ISLAMIC PERSPECTIVES

in

obstetrics & gynaecology



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1986

بسم الله الرحمن الرحيم

In the Name of God

The Compassionate

The Merciful

FORWARD

By

Dr. Abdul Rahman Al-Awadi,
President, Islamic Organization of Medical Sciences
State of Kuwait

It is with great pleasure that I forward this book, the second of Professor Hassan Hathout's in the series of publications of the Islamic Organization of Medical Sciences, to follow his "Topics in Islamic Medicine" that hit great success and wide acclaim. Mention of "Islam" has abounded in the contemporary media and the lay press perhaps as never before, perhaps spurred by the political upheavals and trepidations endured by our restless world. Yet I feel all the more that Islam is largely unknown, not only to its adversaries but to large numbers of its followers. The core of Islam that furnished the foundations over which a great empire and a great civilization were built, still remains veiled behind many misconceptions and superficialities. It would therefore behove Muslims of sincerity and knowledge to attempt to present the realities about various aspects of Islam and make them accessible to keen readers the world over.

Upon his own field of obstetrics and gynaecology, Professor Hassan Hathout focuses the light of Islam and presents the Islamic coverage of that area of knowledge. As he looks into and beyond pure reproductive science, he adeptly and adequately captures their Islamic echoes derived from the Quran, Sunna and Islamic jurisprudence.

At a time when whole populations of the world have accepted that the feasible source of human values cannot - and should not - be RELIGION, this book demonstrates once more that the religion of Islam is a comprehensive regulator of human life : both moral and legal .. and that even such a technical field as reproductive biology does not lie bare of God's guidance. It also shows that rebellion against God's guidance - so profoundly a feature of modern times - can bring about very untoward consequences that the medical authorities all over the world are facing the burdens thereof.

A NOTE FROM THE AUTHOR

My dear reader,

I have wanted to write this book for a long time but was always in a time deficit, thanks to the various commitments and—especially—committees that exacted a heavy toll of the time to think and the time to write. My sabbatical leave from the University of Kuwait was therefore a welcome event, and I decided that this book should be one of the fruits of this leave.

Since we started the clinical teaching at the Faculty of Medicine, University of Kuwait, a feature on our curriculum was "Islamic Aspects of Obstetrics & Gynaecology." Although allocated two hours of didactic lecturing, the subject was frequently visited during the clinical part of the programme. No other branch of medicine is as entwined with religious implications as obstetrics & gynaecology. And it was our conviction that as we prepare doctors to serve a community, they should have some insight in its prevailing values, these being the Islamic values in much of the Muslim world, at least in matters of health & hygiene and how Islamic teachings relate to them.

Moreover, the present age illustrates how changing life-styles can change the 'disease/health' map of a community. This makes the real preventive medicine for some of today's most serious health problems reside practically in the realm of ideology and codes of social morality rather than within the boundaries of the health and medical professions as traditionally defined until now; unless of course those boundaries are appreciably widened. Value systems may have to be revised if new epidemics are to be combated, and health professionals will find it increasingly unethical to stay away from the fight to change values, under the guise of the traditional neutrality of medicine. In the discussion of these values Islam has a word to say, that both Muslim and non-Muslim readers might be interested to hear.

Of course this book is not a text of obstetrics & gynaecology. Nor is it a text book at all. It is meant to be more of an Islamic coverage of the areas encompassed by that discipline as they deal with various aspects of womanhood and motherhood. As well known, it takes more than knowledge

of obstetrics & gynaecology to practise this discipline on Muslim patients. This book attempts to equip the practitioner with the background necessary to view things with an Islamic perspective.

Inspite of the way this introductory note has run so far, I would like to assure the reader that this is not a medical book targeted only to medical practitioners or students. It is a book in Islamic culture at large, for any 'lay' reader interested to know how Islam relates to the topics presented in these pages. It is about Islam and not about medicine that I wanted to tell my reader from the outset. The Muslim reader will find in it an assemblage together of scattered knowledge already known in whole or in part. For the non-Muslim it is a chance to know more about Islam. We hope both would be interested.

Hassan Hathout
South Pasadena—California
April, 1986

The translation of quotations from the Holy Quran were taken from Yusuf Ali's translation, with minor modifications that we thought would better express the meaning, and using the modern English style. Every Quranic quotation is followed—between brackets—by the sura (chapter) and the verse numbers. The traditions (hadiths—sayings) of the prophet are our translation, followed—between brackets—by the name (s) of hadith—scholar(s) who reported each hadith.

Basic concepts that are common knowledge have not been referenced, otherwise the references have been included—between brackets—in their appropriate positions along the text.

I am indebted for the University of Kuwait for the sabbatical leave that offered the necessary time to write this book.

I am also grateful to the Islamic Center of Southern California in Los Angeles for giving me free access to their library and resources.

For the wind that bloweth the sail is the mind.
But the faith in the heart is the compass to guide.
And what is eyesight if the heart is blind?!
Lo! We all look so good. But what is inside?
Who is right? Who is wrong? Only God will decide.

The author

To Salonas and Eba

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Chapter I

EMBRYOGENESIS

EMBRYOGENESIS

GAMETOGENESIS

The starting of the individual member of the human race is the fusion of the seed from his father and that from his mother to form one entity. To be able of such fusion these seeds or gametes have to mature. Maturation of both ovum and sperm involves a two-step division called meiotic division. In the first step the gamete divides into two cells each containing one half of the chromosome set, so that instead of the normal number of chromosomes, forty six in all other cells of the human body, the gamete contains only twenty three. In the second step of meiosis each cell gives rise to two cells each containing in its nucleus twenty three chromosomes, for each chromosome replicates by fission and aquisition of genetic material in order to give two chromosomes. Mature gametes therefore are unique in containing only a half-set or the haploid number of twenty three chromosomes in contradistinction to all the other cells of the body which contain the diploid number of forty six chromosomes to be found in normal human beings.

Of our forty six chromosomes, two in particular are concerned with determining the sex of the individual, and these are called the sex chromosomes. In the human female these two are similar and each is called an *X chromosome*, so that the sex chromosome complement of the normal human female is called XX. In the male however, only one sex chromosome is X, which is naturally derived from his mother, but the other is a small chromosome called Y, which is derived from the father and which is responsible for inducing the primitive sex glands in the early embryo so that they take the direction of becoming testicles: the sex glands in the male. The sex chromosome complement of the normal human male is expressed as XY. The remaining twenty two pairs of chromosomes are concerned with other body functions and are called the autosomes. The total normal

chromosome complement can therefore be expressed as 46, XX, for females and 46, XY for males.

During maturation of the gametes therefore, a mature ovum will contain twenty three chromosomes always including one X plus twenty two autosomes. This is not the same in sperm, for of the XY complement the X will go to one sperm and the Y to another. In the sperm population therefore there will be X bearing sperms and Y bearing sperms in equal numbers. If an X bearing sperm happens to fertilize the ovum, the ensuing cell, called the fertilized *ovum,* will have a chromosome complement of 46, XX and the baby is female. If the fertilizing sperm is Y bearing, the fertilized ovum will have the complement of 46, XY and therefore a male.

The deciding factor in establishing the sex of the baby is therefore the type of the fertilizing *sperm.* The knowledge of this fact is fairly recent in human history, and its discovery had to await tremendous advances that culminated in our present ability to discern the chromosomes and explore their role. It is therefore eye-catching to find in the Quran the subtle reference to the role of the seminal factor in determining sex. The Quran reads:

> "Does man expect to be left without purpose? Was he not a drop of ejaculated *semen* later to become a sticky clot subject to fashioning and proportioning (by God)...and of which (God) made the two sexes: male and female?" (75:36-39)

> "That He did create in pairs male and female...from a drop of semen as it is ejaculated." (53:45-46)

Another reference the Quran makes is to the site of development of the sex glands. These are the ovaries in the female and the testicles in the male, which will later on subserve the function of providing the corresponding gametes and a number of supportive hormones. At the beginning the sex glands are indiscriminate in both sexes, and are formed of a matrix of mesenchymal tissue forming on either side of the back-bone in the upper part of the abdominal cavity, to which migrate and settle the germinal cells from the primitive gut, later to become ova or sperms. It is later on during development that these sex glands are pulled down to occupy a new position in the body, the ovaries stopping in the pelvis and the testicles continuing to descend until they come out of the abdominal cavity and rest in the pouch (scrotum). The original site of the sex glands has been revealed by advances in Embryology, a relatively recent science, and yet the Quran refers to this fact in the verses:

"Let Man look from what he is created. He is created from jetting water emanating from between the ribs and the backbone."(86:5-7)

THE UNIQUENESS OF THE INDIVIDUAL

As already explained, we do get our chromosomes from our parents, each of them getting theirs from their parents and so on until we trace our chromosomes, and those of all people, back to our earliest ancestry and our very first common grandparents: Adam and Eve. Each new pregnancy therefore represents an extension of a long chain stemming off from Adam and Eve in the form of chromosomes. In the light of these facts it will be of great interest to read what prophet Mohammad said in one of his traditions:

"When the nutfa (earliest phase of pregnancy) is established in the womb, God has brought into it all geneaology between her and Adam."
(Ibn-Gareer)

Going back to the phenomenon of meiosis—the cell division giving haploid (twenty three chromosome) daughter gametes along the course of their maturation, we note that every pair of chromosomes (pair number 1 to pair number 23) align together before the two members of each pair part and each of them goes to one of the two daughter cells. That a daughter will receive the chromosome derived from the father or that derived from the mother is a matter of chance. This chance operates separately for every chromosomal pair, from chromosome pair 1 to chromosome pair 23. The different possible patterns of the chromosome complement of the daughter cell based on paternal/maternal derivation of chromosomes only will therefore be 2^{23} ie eight million possibilities (2 possibilities per chromosome pair, over 23 pairs).

But two other phenomena further compound the issue. As each chromosome pair align in preparation to parting, its two members do touch each other at certain locations (chiasmata) where they exchange genetic material so that neither of them is the same as it was, and then each goes to the new cell. This phenomenon is called crossing-over, and through it the genetic possibilities of the new cell defy any counting. If on top of that we know that spontaneous changes (mutations) might occur anew (de novo) in the genetic structure (some of these might be harmful but others are normal and even beneficial), then we can realize that although people have so much in common, yet it is practically impossible that two persons

would exactly coincide in the details of their genetic structure. Such possibility is one in infinity ie zero.

Our chromosomes are the carriers of our genes, and our genes are the blue print of our life. Genes are made of a protein called desoxyribonucleic acid (DNA), whose molecule is endowed with that foundation feature of Life: self-replication. Genes are also composed of units of amino acids, the particular sequence of which subserves the function of 'letters' in written language. The cipher of our biological language resides in our genes, translated into features common to all mankind, as well as those to a special race, a special family and ultimately a particular unique individual who is never and will never be the exact copy of another person preceding or succeeding him.

Amongst the manifestations of uniqueness of an individual is the pattern of his finger prints, hence their medico-legal value in personal identification. At some stage when Man rejected the idea of resurrection and denied that God can reclaim him long after death, God reaffirms—in the Quran that He is indeed capable of reclaiming Man and reconstructing him to the finest detail that—we knew fourteen centuries after the Quran was revealed—resides in the morphology of his fingers:

> "Does man think that we cannot assemble his bones? Nay! We are very able to put together in perfect order the tips of his fingers."
> (75:4)

SEX PREFERENCE

It seems that over human history there has always been a preference to beget male progeny rather than female. The dominance of the role of the male, possibly due to his physical strength and to being nonhampered by the limitations that the function of reproduction imposes on the female, might have conditioned men and women to be projected in the following generation as males. In the area of human competition, conflict and combat, military or economic, masculinity is certainly an asset.

The reaction to begetting a female, however, varied quite a lot. When Hannah (Anne) the wife of Imran who got pregnant at an old age made a vow to devote the baby she carried to the service of God, she expected she would give birth to a male. When she begot a girl she was surprised but hardly disappointed, and the Quran relates to this incident as follows:

> "Behold. The woman of Imran said: My Lord. I do dedicate unto

You what is in my womb for Your special service, so accept this of me: You are the One who hears and knows all things. When she gave birth to her, she said: My Lord, I gave birth to a female—and God knows best what she gave birth to—and the male is not similar to the female. And I have named her Mary (Mariam), and I commend her and her offspring from the Rejected Devil. Graciously did her Lord accept her and made her grow in purity and beauty and assigned her to the care of Zakariya . . ." (3:35-37)

The Arabs in Jahiliya (ie the pre-Islamic era) represented a society where female births were most unwelcome. Exceptions occurred, but the social code on the whole considered the begetting of a female child as bad news. The Quran says:

"And when news is brought to one of them of the birth of a female child, his face darkens and he is filled with inward grief: With shame does he hide himself from his people because of the bad news about the baby: should he retain it and endure the contempt or bury it under the dust?! Ah, how evil was their verdict." (16:58-59)

Because of their contempt of the female, those pre-Islamic Arabs made a common practice of burying alive their female infants, a practice that Islam strictly prohibited. In a reference to a series of enormous happenings on the day of reckoning the Quran cites:

"And when the female infant buried alive is questioned for what crime she was killed" (81-8-9)

In their argument against God, those pagan Arabs tried to belittle Him by assigning daughters to Him (presumably the angels):

"And they assigned daughters for God—glory be to Him—and for themselves what they desire (sons)". (16:57)

It is regrettable that this Jahiliya attitude against the female still lingers on, and it surprises us that even a highly educated person might be dismayed at the news of begetting a daughter. It is more surprising, however, to note this phenomenon in modern communities that raise the banner of equality between man and woman, and at both extremes of the ideological spectrum. In China, where the state posed stringent restrictions in favour of the one-child family, female infanticide has been resorted to in order to have another chance of a further pregnancy that will hopefully produce a baby boy. A World Health Organization publication released in the ear-

ly eighties gave an estimate of 1.2 million female infants killed since the enforcement of the restrictive laws. In a leading western country the same goal is being achieved by more sophisticated and less law-violating means. After the third month of pregnancy a procedure called amniocentesis is carried out, by which some of the (amniotic) fluid around the fetus is drawn, in which some fetal cells exfoliated from the fetal surface are suspended. These cells are grown in tissue culture and their chromosome complement is studied. If the fetus is of the undesired sex, the law—or loop holes in it—makes it possible for the woman to procure an abortion.

The Islamic stand on the issue of sex-preference rests on the basic concept that we do not create our children but we just receive them and are entrusted with them. They come through us, but not from us, as Gibran said, and as we enjoy them as a blessing we owe them the responsibilities of parenthood in the same way as our parents did unto us and their parents had done unto them. The preservation of the race necessitates the creation of men and women. . .and if it is to be a happy community then it better comprises well-raised men and women. Whatever God gives, we should receive in joy, gratitude and awareness of our responsibilities.

> "To God belongs the dominion of the heavens and the earth. He creates what He wills. He bestows females upon whom He wills and bestows the males upon whom He wills. Or He couples them in males and females and He leaves barren whom He wills. For He is All Knowledgeable All Powerful." (42:49-50)

When Islam prohibited that criminal custom of the burial alive of females it was within the context of its concept that men and women were equal even though not similar. Whatever was enjoined and whatever was forbidden applied to men and women. Reward for good and punishment for bad were equal to men and women.

> "If any do deeds of righteousness, be they male or female, and have faith, they will enter heaven and not the least injustice will be done to them." (4:124)

Such a reward will not only be in the hereafter, but during this life as well.

> "Whoever works righteousness, man or woman, and has faith, We shall give 'm a good life and bestow on such their reward according to the best of their deeds." (16:97)

To reinforce woman's role the Quran sometimes resortes to repetitive detailing such as in the following verse:

"For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for patient men and women, for men and women who humble themselves, for men and women who gard their chastity, for men and women who are much mindful of God, for them God has prepared forgiveness and great reward." (33:35)

As a further counter measure against that pre-Islamic faulty attitude the prophet Mohammad repeatedly gave positive guidance recommending females to our tender loving care. In one hadith (saying of the prophet) he teaches:

"Whoever has a daughter whom he did not bury or hurt or give preference to his male child over her, God will admit him into paradise." (*Ibn Dawood* and *Al-Hakim*).

A number of other hadiths have been reported in which the prophet relates that a parent kind and loving to daughters would be in such proximity to the prophet in heaven as the proximity of his index and middle fingers.

Islam also has different views from current Christianity on the legend of Adam and Eve and the original sin. Eve did not tempt Adam to disobey God but Satan tempted both to eat from the forbidden tree. Driven out of heaven, God inspired Adam to repent and Adam was forgiven. Man came to earth unburdened of the aftermath of the original sin and generations are not stigmatized by inheriting it. We do sin but we do not inherit them. We are endowed with God's guidance and with the built-in power to reason and to make a choice and this is the only legitimate basis for accountability, and in Islam accountability is personal.

"Every soul draws the meed of its acts on none but itself; no bearer of burdens can bear the burden of another." (6:164)

"Who follows the guidance indeed follows it for his own benefit. Who goes astray does so to his own loss. No bearer of burdens can bear the burden of another. Nor would We visit with Our wrath until We had sent an apostle." (17:15)

"Nor can a bearer of burdens bear another's burden. If one heavily laden should call another to share his load, not the least portion of

it can be carried by the other even though he was a near relative."
(35:18)

When we sin it is by personal shortcoming and not by inevitable inheritance. When our conscience aches we address our repentance directly to God without mediation of a third party (there is no clergy in Islam). My sin is my personal responsibility and my salvation rests in God's acceptance of my honest repentance. To repent after sinning is an act of goodness, and God says in the Quran:

"Indeed God loves those who repent to Him constantly and He loves those who keep themselves pure." (2:222)

The concept of vicarious sacrifice to atone for sins committed by others is not an Islamic concept. Jesus is highly revered in Islam, he is described as:

"Christ Jesus the son of Mary was an apostle of God and His Word that He bestowed on Mary and a Spirit proceeding from Him..."
(4:171)

but the concept that he was killed on the cross in settlement of the sins of people was refuted by Islam.

Multiple reference was made in the Quran to the issue of Adam and Eve, the following is an illustrative example denoting that God had chosen the human race for His vicegerency on earth, then declared His intention to the angels who were taken by surprise, His fitting of Adam with the complex human attributes that made him superior even to the angels, the prelude of sin and forgiveness and the colonization of earth by Man:

"Behold... Your Lord said to the angels: I am enstating a vicegerent on earth. They said: Will You place therein one who will make mischief therein and shed blood whilst we do celebrate Your praise and glorify Your holy Name? He said: I know what you know not. And He taught Adam the nature of all things then He placed them before the angels and said: Tell me the nature of these things if you are right. They said: Glory to You... of knowledge we have none save that You have taught us... verily it is You who are perfect in knowledge and wisdom. He said: Oh Adam! Tell them their nature. When he had told them, God said: Did I not tell you that I know the secrets of heaven and earth and I know what you reveal and what you conceal? And behold: We said to the angels: Bow down to Adam. And they bowed down save for Iblis... he refused and was haughty and was of those who

reject the Faith.

We said: Oh Adam. . .dwell you and your wife in Paradise and eat of the bountiful things therein wherever you wish, but approach not this tree or you have transgressed.

Then did Satan make them slip out of it and get them out of what they had been in. We said: descend all of you (people) with enmity between yourselves. . .on earth will be your dwelling place and your means of livelihood for a time. Then Adam received some Words from his Lord and his Lord forgave him, for He is the most Forgiving, most Merciful.

We said: get down all of you from here, and if—as is sure—there comes to you guidance from Me, whosoever follows my guidance, on them shall be no fear, nor shall they grieve. But those who reject Faith belie Our signs, they shall be companions of the fire, they shall abide therein." (2:30-39)

The assumed role of Eve in tempting Adam into disobedience and the concept of the inheritance of (original) sin seem to have caused woman to be wronged over a long period of Church history, so much so that centuries ago comprehensive ecclesiastical congresses were held to debate whether Woman had a soul or not and brand her of being a lowly creature and an indespensible evil. Current attitudes are a great departure from old ones, but it seems that for many people old ways have been more tamed than eradicated.

And now we seem to be at the gates of scientific pre-pregnancy sex-selection. Different characteristics of X bearing and Y bearing sperms have been studied and put to application for separating semen to Y-rich and X-rich portions and using these for artificial insemination. The practice is fairly established in animal husbandry, and available data denote that it will not be long until it can be applied in human reproduction.

So far God's plan (Nature) has seen to it that on the whole almost equal numbers of men and women are available at the time of pairing off after puberty. Given the constantly observable predeliction towards male progeny (remarkably accentuated in many communities), would tampering with this natural achievement disturb the human balance in favour of an excess of the male sex? And what would be the social and moral and ecological sequelae thereof? The issue cannot be oversimplified by claiming that most families will do with two children, the sex of the first to be decided by Nature and another of the opposite sex to be ordered at the doctor. While this might go well with an English family, some Arab family might wish

for ten boys and no girls, while most Chinese families would decide on a boy for their only child! Perhaps one shortcoming of modern science is that it lacks a built-in mechanism to study and anticipate the far reaching implications of its achievements and perhaps censor or antidote them when necessary. Whenever a new scientific discovery is made it is promptly rushed into the realm of applied technology, and short-term gains take the upper hand over long-term results.

When the first atomic bomb was dropped over Hiroshima, Oppenheimer—the father of the atomic bomb said: "This day physicists have fallen into sin". One wonders what is in store for reproductive medicine!

Fetal Development

That the fetus is formed by the fusion of a male and a female gamete contributing equally to its structure is a fairly recent fact, discovered only in the nineteenth century. An ancient theory maintained that the fetus was maternal in origin and that the role of insemination was to stimulate it to grow. This theory was supplanted with the theory of paternal origin, which proclaimed that the seed of the male was implanted in the woman just like plant seeds are implanted in the soil, to grow and bear fruit. When the spermatozoa were discovered and actually seen under the microscope, it was thought to be a human being in miniature and old books showed its diagrammatic representation with the topography of various regions of the body illustrated.

When prophet Mohammad peace be upon him was asked by a jew from what a human being was created, the prophet answered:

> "He is created from both. . . from the nutfa (little drop) of the man and the nutfa of the woman." (Imam Ahmad)

The Quranic reference to this dual creation of the human being is given in the following verse:

> "Verily We created man from a drop (nutfa) of a *mixed* nature in order to try him, so we gave him the gifts of hearing and sight." (76:2)

It is noteworthy that whenever God mentions the two senses of hearing and sight, hearing consistently is mentioned before sight, in keeping with the fact—discovered only by modern embryology—that the auditory system precedes the visual apparatus in structure and function. The following other verses are illustrative examples:

"Or who is it that has power over hearing and sight? And who is it that brings out the living from the dead and the dead from the living? (10:31)

"And pursue not that of which you have no knowledge, for every act of hearing or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning)." (17:36)

"It is He who has created for you (the faculties of) hearing, sight, feeling and understanding. . . little thanks it is that you give." (23:78)

"Then He fashioned him (man) in due proportion and breathed into him from His spirit, and He gave you hearing and sight and feeling. Little thanks do you give." (32:9)

"Say: It is He who has created you and made for you the hearing, seeing and feeling. . little thanks it is you give." (67:23)

"And we have endowed them with hearing, seeing, heart and intellect: but of no profit to them were their hearing, sight and heart and intellect when they went on rejecting the signs of God, and they were encircled by that which they used to mock at." (46:26)

"Say: imagine if God took away your hearing and your sight and sealed up your hearts. . . who—a god—other than God could restore them to you?" (6:46)

"You did not seek to hide yourselves lest your hearing, your sight and your skins should bear witness against you. But you did think that God knew not many of the things you used to do." (41:22)

The Quran presents the sequential development of the fetus through various stages of well defined features, at a time when human knowledge had no notion about embryology, and in a sequence which is in keeping with modern scientific views. The seminal nutfa (little drop) and the mixed nutfa of mixed male and female origins have been referred to. This is followed by the stage of 'alaqa' (in Arabic the leech is called alaqa. . . since the verb alaqa means to stick or to attach to), which is a precise description of the blastocyst as it attaches itself to the lining membrane of the uterine cavity, preparatory to actually burrowing its way into it in the proces of nidation or implantation. The mass of cells inside the blastocyst—the inner cell mass—embarks on a series of division and differen-

tiation, shaping up to a body with a head end and a tail end, and furrowed by a series of grooves on either side. These furrows demarkate the body to consecutive pairs of 'somites', and the general morphology then resembles a masticated bolus of food (or meat) with the molar teeth markings grooving it: hence the Quranic terminology of "modgha" which is a chewn bolus of food.

Inside the "modgha" the prodromata of the boney skeleton are set. But the boney skeleton is in fact a series of lever arms with the axes of the levers at the joints. These lever arms require energy to pull on them to effect various movements, and so mesenchymal tissue is transformed to muscle tissue around the bones which is suitably attached to the bones on either side of the joint hinge so that when the muscle contracts movement occurs at the joints. All this sequence was revealed to Mohammad in the Quran some fifteen centuries ago. . . to await its direct exegesis in the recent science of embryology over the nineteenth and twentieth centuries.

We do acknowledge that the Quran was not meant to be a book of science, although it did ordain on the human mind and challenged it to seek to discover the 'tradition of God in His creation'. . . ie 'scientific research' in modern terminology. The Quran is replete with verses pushing man to use his brain and pursue knowledge, and we here give a few examples; starting with the first words of the Quran ever revealed:

> "Read! in the name of your Lord who created. . . created man out of a sticky material (alaq). . . Read! and your Lord is the most Bountiful. . . Who taught with the pen. . . taught man that which he knew—not." (96:1-5)

> "God will raise up to higher ranks those of you who believe and who have been granted knowledge." (58:11)

> "And say: O my Lord! Advance me in knowledge." (20:114)

> "We will show them our signs in the horizons and in their own selves until it becomes manifest to them that this is the truth." (41:53)

> "On the earth are signs for those of assured faith. And also in your own selves: will you not then see?" (51:20-21)

> "Are those equal: those who know and those who do not know? It is those endued with understanding that receive admonition."(39:9)

> "Among His servants it is those who have knowledge who truly fear

Him most." (35:28)

And yet it seems that the Quran bears more miracles than its linguistic inimitability. The latter at the onset of Islam overwhelmed the Arabs whose only pride was their literary excellence. Staunch enemies of Islam would listen to the Quran and immediately feel spellbound by its divine language. No less a person than Umar ibn al Khattab, who was an extremely formidable figure amongst the enemies of Islam, would hear that his sister had embraced Islam and went to punish her, and upon listening to a few lines from the Quran he promptly embraced Islam. Those people were our reliable indicators concerning the divine nature of the Quran, just as litmus paper is a reliable indicator of the acidity or alkalinity of a liquid. At our present age of scientific advancement, yet another miracle addresses the scientific mind of the twentieth century, as more and more scientific facts are revealed and the present day scientist stands astounded as he realizes that the Quran makes direct reference to them. This seems to be the scientific miracle of the Quran, starting to unfold after so many centuries. It is no wonder that some of the most imminent scientists of our time were amongst the many Europeans and Americans who lately embraced Islam (such as Roger Garaudy, Maurice Beaucaille and Arthur Ellis).

On the subject of the development of the human fetus we will present some relevant verses of the Quran without any comment of note. We do not feel the need to go at any length in stretching the exegesis or manipulating the words to make the text appear to coincide exactly with what is written in works on embryology. It is our opinion that exegists of the past and Islamic scientists of today need not and should not over do it in a—sometimes—desperate attempt to prove that "God knows!"

"O mankind! If you have a doubt about the resurrection, (consider) that We created you out of dust, then out of a nutfa (little drop. . .of semen then of double composition), then out of a leech-like clot (alaqa), then out of a chewn morsel of flesh (modgha) partly formed and partly unformed, in order that We might manifest (Our power) to you, and We cause whom We will to rest in the wombs for an appointed term, then We bring you out as babes, then (foster you) that you may reach your age of full strength, and some of you are called to die, and some are sent back to the feeblest old age, so that they know nothing after having known (much)." (22:5)

"It is He who has created you from dust, then from nutfa, then from a leech-like clot (alaqa), then does He get you out as a child; then

lets you reach your age of full strength, then lets you become old; though of you there are some who die before, and lets you reach a time appointed, in order that you may learn wisdom." (40:67)

"We did create man from a sulala (this word fits two meanings: 1. quintessence, 2. genealogy) of clay, then we placed him as a nutfa (little drop. . .semen. . .then sperm cum ovum) in a firmly secure sanctuary, then We made the nutfa into alaqa (sticky leech-like being), then We made the alaqa into a mudgha (chewn morsel), then We made out of that lump bones and clothed the bones with flesh. Then we set it in another creation. So blessed be God. . .the best to create." (23:13-14)

The verses are quite striking to the modern scientist even if we refrain from over-exegesis that is sometimes exercised, and the prescribed way for further knowledge is to pursue hard work in further research in the laboratory or otherwise, in accordance with the criteria of scientific research humanity has come to formulate, without preconceived conclusions and avoiding over-zeal. It was this honest scientific research that eventually revealed the marvels of the Quran and will continue to do so in the future. We quote as an example the Quranic verse that reads:

"He makes you in the wombs of your mothers in stages, one after another, in three veils of darkness. . ." (39:6)

Several views have been expressed defining those three veils of darkness by old as well as contemporary exegists. The only difference is the resort of the latter to the achievements of scientific discoveries, and—with equal confidence—the three darknesses have been explained as ammion, chorion and uterus; placenta, uterus and maternal abdominal wall; lack of sight, hearing and intellect; insecurity about prenatal, intranatal and postnatal existance. . .and so on. . .while the simple and honest answer in our view is to say that we do not know for sure what God specifically meant by those three darknesses, and be confident that our ignorance will not undermine the Quran in the least or reflect negatively on our prestige as a learned people. In our present era of Islamic revival great care is needed to avoid emotionalism and confusion. We have witnessed a few muslim scholars going far out of the way in order to connect a statement in the Quran with some modern scientific discovery. We remain convinced that the proper place of Muslim scientists is their laboratories and research institutions playing their proper role the hard way as their forebears did in the era

of Islamic civilization and as their peers in today's scientific world do. This is certainly the only effective way to live Islam, benefit humanity and serve the Quran.

Metaphysical Development

On the physical side Man has so much in common with other living beings concerning body structure and function. His body seems to be made from the same basic ingredients that make all living things. . . all revolving around a central role of water, as the Quran tells.

> "Do not the unbelievers see that the heavens and the earth were joined together (as one unit of creation) before We clove them asunder? And We made from water every living thing? Will they not then believe?"
> (21:30)

> "And God has created every kinetic creature from water; of them there are some that creep on their bellies, some that walk on two legs and some that walk on four. . ." (24:45)

The other constituents of the body of Man are the same as make the earth. . . and also not special to Man only.

> "It is He who has produced you from the earth and settled you therein. . ." (11:61)

This mixture of earth and water makes mud or clay.

> "God began the creation of man from clay" (37:11)

And yet—as is quite obvious—there is much more to man than his clay composition. Neither physiology nor anatomy are the basis of the uniqueness of man.

As we know it, man is the unique creature endowed with the concept of good and evil, a built-in mechanism to differentiate between them and an intrinsic will to make a choice and act upon it. Living beings we know of, do live upon instinct alone and are fully programmed to be guided by it. Living creatures we are told about by religious scriptures viz the angels, also act upon their given good nature and do not sin because they do not know how to sin. Man is the only species with freedom of choice and hence is subject to accountability. Such must be the "amana" referred to in the Quran as:

"We did indeed offer the 'Amana' (Trust) to the heavens and the earth and the mountains but they declined to undertake it being afraid thereof, but man undertook it."

This unique endowment possessed by man is illustrated in various sites of the Quran, denoting that on top of the earthly element in man which is controlled by non-unique biological laws, man has received Spirit from God, and this is indeed human-specific:

"Behold! Your Lord said to the angels: I am about to create man from sounding clay from mud moulded into shape, when I have fashioned him and blown into him of My spirit, fall down prostrating yourselves before him." (15:28)

The nature of this "spirit" from God we do not know, and will never know:

"They put questions to you concerning the Spirit, say the Spirit is at my Lord's command. . .and of knowledge only a meagre part has been imparted to you." (17:85)

It is certainly metaphysical, and is manifested in encoding man over countless generations so as to embrace such values as conscience, self criticism, self restraint and the transcendence above the mere calls of his clay structure.

Such encodement that started with Adam and has since been passed down through human geneaology must—in all probability—reside in the genes which are our only unbroken chain linking us to Adam and him to us, and which are known to transmit behavioural, conceptual as well as physical traits. This heritage almost glows as one reads in the Quran:

"When your Lord drew forth from the Children of Adam—from their loins—their descendants, and made them testify concerning themselves (saying): Am I not your Lord? They said yes—we do testify. (This) lest you say on the Day of Judgement: of this we were never mindful." (7:172)

"He Who has made everything which He created most good. He began the creation of man with clay, and made his progeny from a quintessence of the nature of a despised fluid. Then He fashioned him in due proportion and blew into him from His spirit. And he gave you hearing and sight and intellect." (32:7-9)

Humanity—noble Humanity—is uniquely characteristic of Man and is

encoded in his gene legacy. It entails freedom and accountability unshared by any other creature, awareness of the Creator on the part of the created, that God's whisper in the depths of every human heart that we call conscience, and that natural inherent guidance that Islam calls *"Fitra"*.

> "By the soul and the proportion and order given to it, and its inspiration as to its wrong and its right...truly he succeeds that purifies it...and he fails...that corrupts it". (91:7-10)

Chapter II
WORSHIP

WORSHIP

Worship has a principal role in Islam. The five pillars of Islam, as the prophet named them, are (for both men and women):

1. Shahada: that is to bear witness that there is no deity but God (Allah) and that Mohammad is the messenger of God.
2. Prayer: obligatory prayers are performed in a certain format five times during every day. These are the early morning, noon, afternoon, early evening (after sunset) and night. To perform prayer the Muslim man or woman must be in a state of Tahara (cleanliness or purity). This usually entails a ritual washing (wodou or ablution) of face (and mouth and nose), forearms, stroking head with water and washing the feet and toes. Ablution has to be repeated (renewed if broken by certain events including micturition, defecation, passing flatus, sleep and certain other conditions. Sex (or night dreams leading to orgasm) necessitates a full (ritual) bath.
3. Fasting: every year, for the full length of the month of Ramadan, daily abstinence from food, drink and sex from dawn to sunset is observed.
4. Zakat or alms: this is a tax amounting to two and one half percent of horded money owned for a full year.
5. Pilgrimage: the ritual journey to Kaaba (at Mekka) and remembrance of Abraham and his son Ismail, born to Hagar, should be made once in a life time at a special season if the Muslim can physically and financially afford it.

We are omitting further details that the interested reader may easily pursue in specialised books. Needless to say that the pillars of Islam do not include the totality of Islam, for the pillars are only meant to carry a whole building. What we propose to cover in this chapter is the special rulings concerning certain situations peculiar to women and how they relate to the general outline of worship addressed to all Muslims, men and women.

Menstruation

During the menstrual period a woman should cease to carry out her prayers. After cessation of menstruation she will perform the "tuhr" bath and resume her prayers again. She is in no debt for the prayers she has missed and need not repeat them later.

Fasting also is not permissible during menstruation, whether it is the obligatory Ramadan fasting or voluntary fasting. The woman, however, is required to make for the days obligatory fasting was broken and she will later fast for an equal number of days.

Sexual intercourse is prohibited during the menstrual period. The Quran says:

> "They ask you concerning menstruation. Say it is a hurt and a pollution, so keep away from women during their periods and do not approach them until they become clean. But when they have purified themselves you may approach them in any manner, time or place ordained for you by God. For God loves those who repent to Him constantly and He loves those who keep themselves pure and clean."
> (2:222)

The prohibition applies to actual vaginal intercourse. Other forms of sexual play are permitted. When his companions asked him, the prophet said:

> "You may do everything but intercourse." (Muslim-Termizi)

It is reported that on occasion the prophet covered the genital area of his menstruating wife with a cloth (Abu-Dawood) and became intimate with her. Aisha, wife of the prophet, was once asked about how free a husband was, concerning his menstruating wife, and she answered: "Everything but intercourse" (Al-Bukhari).

Medical literature concerning intercourse during menstruation has been divergent. Various authors reported that it plays an aetiological role in male urethritis, introduction or flare up of infection in the female genetical tract and increased uterine bleeding. Other literature claims that it bears no harms whatsoever, but this comes from quarters that also exonerated homosexuality and anal coitus from having any harm. And the inside goings-on in the sphere of medical research over the past few decades have introduced an element of justifiable suspicion or at least reserve in unconditional acceptance of published data as all who see that sphere from inside feel.

Whether esthetic or medical reasons testify for or against intercourse during menstruation, the fact remains that it is prohibited by Islam (as it is by Judaism, with many more restrictions).

During Hajj (pilgrimage) or umra (ritual visit to Kaaba) menstruation prohibits a woman from the Tawaf (circumnavigation or walking around the Kaaba for seven turns) which is an integral part of the proceedings. The prophet was reported to say:

> "Tawaf is prayer except that God permitted talking during it. . . so if you talk say only good words." (Termizi, Darokotny)

Aisha, the wife of the prophet, is reported to have said: The prophet came in one day and found me crying (because her period had started before she made her tawaf). The prophet said:

> "This is something that God has written on the daughters of Adam. Proceed with all the rituals and finish them except that you will not make tawaf until you took your (postmenstrual) bath." (Muslim)

It is for this reason that women tried since the early days of Islam to have some control over the time of onset of the period, and if possible to be able to postpone it until they have comfortably made their tawaf. A concoction made from the leaves of the Arak tree was tried, as well as other plant preparations. This need is much more pressing nowadays, since Hajj and umra are performed by large groups of people bound by a fixed schedule and flight bookings that limit the ability of women to manoevre their time. Now that we have at our disposal safe, easy and reliable means of postponing the onset of menstruation, this problem is nearly solved. Female hormone-containing pills such as contraceptive pills are given daily by mouth so that they preserve the integrity of the lining of the uterus at the time when the woman's own natural hormones are waning and thus can no more support this lining with the result that it bleeds, breaks and fragments and is discharged as menstruation. The prescription of such pills for this purpose (or for the purpose of completion of the fasting of Ramadan) is now common practice unless of course there is a medical contraindication. The best chance of success is to start the pill early enough usually on the fifth day of the period preceding Hajj or umra. A late start carries less promise, and for the purpose of contraception is certainly nonreliable. The doctor has to fore-warn the woman that while on the pill she might have some blood spotting, and that to cure it she should NOT stop taking the pill. As a matter of fact she should take a higher dose (two or more pills daily) in order to stop this spotting. This

blood spotting is called breakthrough bleeding, and denotes that more hormone is needed to preserve the lining of the uterus and prevent it from breaking up. This bleeding is also NOT menstruation and should not ban her from tawaf or prayer. Technically such women belong in the group called ''Mustahada'' that will be described shortly.

There is no religious basis to blemish this practice of willfull postponement of menstruation. The legal dictum maintains that originally all things are permitted except those that are specifically prohibited. The practice fulfills one of the goals of jurisprudence, which is to make things easier for people.

Nonmenstrual Bleeding
The Mustahada

The mustahada is the woman who has bleeding per vaginam other than her menstruation. Usually a woman knows about her menstruation, how it looks like and feels like, the date it is expected and the duration it lasts. As a matter of fact one of the terms referring to menstruation in the Arabic language is ''aada'' which literally means habit or custom, and is known by ongoing observation time after time. Istihada, that we might for convenience call pseudomenstruation, is bleeding other than a woman's menstruation and outside her personal pattern she is chronically accustomed to. Although ''Istihada'' might sometimes belie structural or functional disease, jurisprudence treats it as a different entity from menstruation. The mustahada should not refrain from prayer provided she performs a local wash, puts a pad (or tampon) and peforms a separate wodou (ablution) for each of the five prayer times every day. She is not subject to the total bath (ghusl or tuhr) as is the case with menstruation. She also does not abstain from fasting. She can carry out the tawaf around the Kaaba.

Whether the case is one of recurrence of bleeding after the end of menstruation, or a continuation of menstruation beyond the limit she is used to as her normal, the condition is ''istihada'' or pseudomenstruation from the religious point of view. Um-Salama, the wife of the prophet consulted him about a woman with prolonged bleeding and he said:

> ''Let her wait for the number of days and nights her period used to last without prayer, and then take her (ritual) bath, pad herself, and resume her prayers.'' (Malik, Al-Shafeai)

Another pattern of the ''mustahada'' is the woman who lacks the ex-

istance or the knowledge of a definite personal menstrual pattern to use as a reference. Examples of this are the menarche (first period ever in the life of the female) or the woman forgetful of her normal pattern. When Amna bint Jahsh, the sister in law of the prophet, sought his counsel whether to pray while she had a lengthy episode of bleeding and could not recognize her menstrual span, he gave her advice including:

> "Menstruate like other women menstruate for the same time they menstruate and cease bleeding...and do that every month..."
> (Ahmad, Termizi, Abu Dawood)

The average duration of menstruation prevailing among other women was acknowledged as a suitable standard to go by in her case. The quality of the bleeding can also be considered. The woman might lack normal menstruation but have knowledge of the features of menstrual blood and is therefore able to tell whether her current bleeding has the features of menstrual blood, and if not, it would be regarded as "istihada". Such was the case of Fatima Um Habeesh when the prophet told her:

> "If it is menstrual blood it is blackish and can be identified, in which case you should refrain from prayer. But if it is a different blood then do "wodou" and pray..." (Abu Dawood, Nissa'i, Darokotni, Ibn Habban)

Certain other conditions are treated on the same lines as "istihada". The first is the passage of discharge from the vagina apart from blood (leucorrhoea). Vaginal discharge of a yellowish or white turbid character occurring at the tailing off of menstruation is considered part of menstruation. Women used to introduce a cotton pledge into the opening to know whether menstruation has gone or not, and used to send the cotton bearing this discharge to Aisha, wife of the prophet (and his direct student and therefore reliable authority) and she would say: "Don't hurry, wait until the cotton comes out white." (Malik, Mohammad ibn al Hassan)

But when the period was over and the ritual bath taken, vaginal discharge would not be given heed according to Um-Atiyya who was an equally reliable authority. She said "We did not use to pay any heed to a yellowish or turbid discharge once we have taken the bath." (Abu Dawood)

The same applies to the medical condition called stress incontinence of urine, which entails the involuntary passage of some urine even at a slight effort. It might affect men as well as women. Medical treatment should be sought, but from the point of view of worship, local wash and a "wodou" for each of the five prayer times, and the patient is allowed

to resume prayer, fasting and tawaf around the Kaaba, and need not worry for they have their excuse even if urine dribbles during worship.

NIFAS—The Puerperium

This refers to the blood coming out per vaginam following the conclusion of a pregnancy whether by birth or miscarriage. The same rulings concerning menstruation apply also to the puerpera. The duration of nifas is quite variable. It might be very short, in which case the woman would take the tuhr bath as soon as the blood stops, resume her prayers and may fast and do tawaf. Marital relations may be then resumed. If nifas continues for more than forty days this is taken as the upper limit, and she should take a bath and resume prayer. If the bleeding recurs after this, prayer should not be discontinued and the regulations of the 'mustahada' are followed.

The hadith of the prophet about nifas is relayed as an answer to Umm-Salama who asked: "How long would a woman stay (without prayer) after child birth?" The prophet said:

"Forty days unless she clears up before." (Darokotmy)

Menstruation and Handling the Quran

"Furthermore I call to witness the setting of the stars...and this is indeed a mighty adjuration, if you but knew. That this is indeed a Quran most honourable...in a book well guarded...which none shall touch but those who are clean: a revelation from the Lord of the Worlds." (56:75-80)

These verses from the Quran have posed the question of whether the menstruating woman should hold and read the Quran or not. Exegists expressed different views on this issue, depending on their interpretation of the meaning of the word 'clean.' We will here present a summary of the various views. Ibn Gareer—quoting Qatada—stresses that 'clean' means clean in the hereafter when God resurrects His subjects...but in this world anybody can touch the Mus'haf (the book in which the Quran is written or printed) including even the Majusis and the hypocrites who are not to be described as clean. Abul-Alia interprets the word 'clean' in a moral sense, as a distinction from sinners and the poor of morality. Ibn-Zaid

believes that the verse was an answer back to the unbelievers who claimed that the Quran was brought down by the devils (that cannot be considered clean). Many exegists, however, interpreted 'clean' as 'clean from menstruation for women and janabah for both sexes' (after having coitus until the ritual bath is taken). They quote a hadith related to the prophet saying "Those in janabah or menstruation should not read any of the Quran". The authenticity of this hadith, however, was not acclaimed by Al-Bukhari, the most reliable authority on the science of Hadith. Amongst those with a more permissive attitude were Al-Bukhari, Al-Tabarani, Dawood, Ibn-Hazm and others. (Summary of Ibn Katheer's Exegesis—by Sabouni: publ. Dar al Quran al Kareem, Beirut, 5th ed., Part 3, p 439, 1400 AH. — Fiqh al Sunna, S Sabeq, publ. Darul Fikr, Beirut, 3rd ed., Part 1, p 59, 1981).

With this multiplicity of views and divergence of honest opinion, one feels there is no hard and fast rule to be followed. It seems reasonable, to be on the safe side, to propose that perhaps reading the Quran for the purpose of worship better be suspended during menstruation, as it is with formal prayers. For the purpose of studying, referencing, quotation, teaching, learning, along a call to God or during a psychological crisis when it is felt that reading the words of God offers the needed support, the decision should be an individual one, depending on the precautionary index of the individual or the consulted scholar.

The Pregnant and The Lactating

The pregnant woman and the lactating woman are considered among "those with a legitimate excuse" concerning the fast of Ramadam. The hadith of the prophet says:

> "God has exempted the traveller during his journey from fasting and part of prayer (qasr), and exempted the pregnant and the lactating from fasting." (Termizi, Nisai'i)

They should later on repeat the fasting of the days they missed. Some pregnant women, however, find it difficult to repeat at a later date the fasting of the days they missed to fast during Ramadan, as they should do after delivery. They tend therefore to opt to continue their fasting during Ramadan rather than make use of the option given them not to fast. It is more appropriate that the woman should seek the counsel of her physician who for the purpose of this counsel should be a practising Muslim.

Consideration of her general health, the condition of the pregnancy, home conditions regarding effort or stress, availability of home help etc. will enable her to make an informed decision whether to fast or not.

During pregnancy prayers are observed as usual, but on occasion modification of the posture during prayer may be made if the routine format becomes too uncomfortable.

Sex is not prohibited during pregnancy unless is entails danger to mother or baby as deemed by the doctor.

Bleeding during pregnancy is of course not menstruation. The causes are many and medical help should be sought. For the purpose of worship the bleeding during pregnancy is considered to be "istihada", and therefore is no ban on prayer, fasting, tawaf etc.

Chapter III

LACTATION

LACTATION FOSTERAGE

LACTATION

(LACTATION FOSTERAGE)

Breast feeding is the natural way by which the human infant is nourished. It is also the best way. Alternative feeding with various formulae of artificial milk has not stood the test of time in spite of continued attempts at perfection and a wide publicity and encessant promotion. Mother's milk confers immunity against some diseases, is not associated with allergic reactions, and provides the exact composition needed by the human baby, a composition which is both reliably constant and adjustable to the needs of the growing baby. Besides, the psychological role of suckling in establishing the mutual mother-infant bond has been well documented. Artificial "formula" feeding has lost favour with the medical profession and various health authorities including the World Health Organization have launched a campaign in favour of the return to breast feeding, emphasizing the proven hazards of bottle feeding. Efforts are being made at the social level in many countries to enable even the working mother to breastfeed her infant. Undergraduate and postgraduate medical and nursing curricula in all enlightened institutions underline the significance of preaching and preparation for breast feeding as a salient feature of modern antenatal care. The importance to the infant of being breast fed is given a very special regard in Islam, so much so that when a baby is suckled by a woman other than its natural mother, this woman is Islamically considered a "mother in lactation" to him, with consequent rulings that will soon be discussed.

While they are lactating, many women will cease to have menstruation for a variable period of time that in some women continues as long as they are lactating. This is because a hormone associated with lactation—prolactin—exerts a suppressive action on the function of ovulation. At the scale of society at large—though not reliable for an individual woman—practising breast feeding instead of bottle feeding would be the most effective method of contraception, more effective than all the currently

available methods put together, and naturally devoid of their possible hazards.

Reference has already been made to the ruling on lactation as a legitimate excuse from keeping the fasting of the month of Ramadan. Other Islamic aspects of lactation will now be considered.

The Duration of Nursing

The following verse of the Quran bears more than one context, but it is the only Quranic source relating to the duration of breast-feeding, and we will render some exegesis to follow it.

> "The mothers shall give suck to their offspring for two whole years for whoever desires to complete the term of lactation. But the father of the baby shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be pushed into stress on account of her child. Nor father on account of his child. An heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If you decide on a foster-mother for your offspring, there is no blame on you, provided you pay (the mother) what you offered, on equitable terms. But fear God and know that God sees well what you do." (2:233)

The verse comes in a succession of verses discussing rulings on divorce, and aims at safegarding the rights of the baby at a time when the strained relation between its parents is frought with the risk of jeopardizing his interests. The beginning of the verse, however, is unanimously taken to be of universal application, whether the parents are divorced or not, with regards to the duration of lactation. It denotes that the complete course of lactation is two complete years, but does not make this duration obligatory; rather subject to the choice of the parents. Special privileges are decreed to the divorced wife towards the ex-husband in lieu of breast-feeding their child. Even if the husband dies, his heirs should see that these privileges are answered. Priority should go to the welfare of the baby, and this should not be manipulated by father or mother to put one another in duress. The decision on weaning the baby is alright but should be by mutual consent and consultation between the two of them seeking the best interests of the baby. If it is decided that a wet-nurse should be hired by the father to suckle the baby, this should not be a reason to forego his

divorced wife's rights that he might owe. The ultimate inspiration should be the regard of God and the awareness that He is is in full vision of what we do, rather than the resort to legal tricks as many in such circumstances might be tempted to slide into. This verse of the Quran concurs with another that reads:

> "And we have enjoined on man to be good to his parents. In travail upon travail did his mother bear him and in two years was his weaning. Show gratitude to Me and to your parents: to Me is your final goal." (31:14)

In conjunction with a third verse the age of fetal viability was deduced, ie the minimal acceptable duration of pregnancy that would result in a viable baby. The Quran reads:

> "We have enjoined on man kindness to his parents. In pain did his mother carry him and in pain did she give him birth. The duration of conception until weaning is thirty months..." (46:15)

The first reported legal application was the case of a woman giving birth to a viable baby six months after she was married. She stood for trial by Othman (third caliph) and it was Ali-ibn-Ali-Talib (fourth calif and the prophet's cousin) who quoted those verses, subtracting the duration of suckling ie twenty four months from the combined conception-to-weaning period of thirty months, leaving six months as a legitimate duration of viable pregnancy, and the woman was thus vindicated from the charge of adultery. It was also suggested by some scholars that after a nine months pregnancy the full suckling period may be taken as twenty months only, to be extended if the baby was born prematurely. It is noteworthy that such proposed time for weaning coincides with the stage of the child's development when it is equipped with enough milk teeth to permit eating and at the same time make breast sucking quite uncomfortable to the mother.

Motherhood In Lactation

(Lactation Fosterage)

It must be that suckling the baby establishes such an intimate relation between woman and infant that when God wanted to impress us with the enormity of the awe to strike us on the Day of Judgement, He quoted the following picture:

"O mankind! Fear your Lord. For the convulsion of the Hour (Of Judgement) will be a thing terrible. The day you shall see it, every woman giving suck shall forget her suckling-babe, and every pregnant female shall drop her pregnancy. You shall see mankind as in a drunken riot, yet not drunk: but dreadful will be the wrath of God." (22:1-2)

Islamic law gives a special regard to this "milk-relation", and raises it to the level of a blood relation as far as marriage is concerned. Innumerating the categories of women that a man shall not marry, Islamic law considers the suckling mother on the same footing like the natural mother.

"Prohibited to you (for marriage) are: your mothers, daughters, sisters, father's sisters, mother's sisters, brother's daughters, sister's daughters, foster-mothers who gave you suck, foster sisters (daughters of women who suckled you), your wives' mothers, your step-daughters under your guardianship born to your wives to whom you have gone in (consummated marriage), no prohibition if you have not gone in, (those who have been) wives of your sons proceeding from your loins (natural sons), and two sisters in wedlock at one and the same time except for what is past, for God is Oft-forgiving." (4:23)

The hadith of the prophet says:

"God has forbidden out of suckling relations the same as He forbade out of blood relations." (Termizi)

Because the suckling foster-mother is considered a mother, her daughters are considered sisters and cannot be married by her son-in-suckling. This is not only applicable to the sister with whom he shared lactation, but to all her sisters. Daughters of his lactation brothers and sisters are neices and cannot be married, and their sons are nephews. The sister of the foster-mother is considered an aunt and therefore he cannot marry her (but can marry one of her daughters, who would be his cousin). Nor can he marry the sister of his foster-mother's husband, since she would be his paternal aunt. If the foster-mother's husband responsible for the pregnancy that provided the suckled milk has children from a second wife, they will be considered step brothers and sisters and the same rule applies. Similarly, the parents of the foster mother and her husband (from whom the lactation-producing pregnancy resulted) will be considered grand parents, and none of such grandmothers can be married even if age is not an obstacle. The

lactation relations have been so far described from the point of view of a man taken as a propositus, but since there is no marriage without a man, a woman can easily work out her position in relation to marriage on the same guidelines.

Further details have been given by jurists concerning the criteria that are prerequisite for the legal establishment of this relation of suckling fosterage, sometimes with divergence of honest opinion. The first controversy is about the amount of suckling and the number of feeds necessary to establish such motherhood. A hadith of the prophet reported by his wife Aisha says:

> "The one or two sucks would not cause the prohibition."
> (Muslim, Abu Dawood, Termizi, Nisai'i)

Another hadith of the prophet refers to the quantity of ingested milk:

> "It will not affect suckling motherhood unless it produces hardening of bones and growth of flesh." (Abu Dawood)

A wide spectrum of opinions, each with relevant justifications, can be found in jurisprudence books. The majority opinion specifies five (or more) separate satiating sucklings that would be enough to add to bone and flesh. An age limit has also been debated, the majority setting the cut-off at two years which the Quran defined as the complete term of lactation:

> "The mothers shall give suck to their offspring for two whole years for whosoever desires to complete the term of lactation." (2:233)

The method of administration of milk is also discussed. Some scholars make no difference whether the baby sucked the breast, received the milk by dropper or spoon into its mouth or even nose, or even eating the milk after being transformed to cheese. But most scholars subscribe to the logical opinion that breast-feeding by definition entails two essential steps: the taking of the breast by the baby's mouth, and the ingestion of the sucked milk. If either or both of these two steps are lacking, then the procedure is one of ordinary nutrition that does not qualify for being a case of foster (milk) maternity.

The Human-Milk Bank

There are only few human milk banks remaining in the world, since the need of them has receded. The idea of such banks is to receive a daily

supply of fresh human milk volunteered by normal lactating women. The milk is pooled, sterilized and dispensed to small prematurely delivered infants whose mothers fail to produce their own milk, or to infants pathologically sensitive to other kinds of milk also in the absence of a supply from their own mothers.

During its stay in the Special Care Baby Unit, an infant would therefore have been nourished by milk derived from a large number of women, and the question arises whether the children of these women as well as the other infants who consumed their milk are to be considered brothers and sisters and therefore should not marry one another. The prohibition will naturally extend to cover an expansive network of relations beyond the suckling babies, such as the elder brothers and sisters, the mothers, maternal and paternal uncles and aunts, step sibs, grand parents, all further compounded by the number of donor mothers which might be quite large. Perhaps the matter is at the present time of no more than academic interest. It was, however, discussed in the symposium "Islam and Reproduction" held in Kuwait in 1983 by the Islamic Organization of Medical Sciences and attended by a selected group of medical and jurisprudence scholars. The expected spectrum of views were expressed. Ultraconservatives suggested that there should be a detailed milk registry and that every donor and the family of every recipient should be given a complete record of who received the milk of whom. Anyone who is aquainted with the operation of a milk bank will realize that the logistics are overwhelming and that such a method is practically impossible. And yet other authorities of high caliber held the view that the procedure did not constitute lactation fosterage since it lacked the criterion of actually suckling the breast. They proposed that since imams and reputable jurists of old times had diverging views on the issue, Muslims should feel free to choose the view which ensures the best interests of those babies and in the way which is easier and more practicable, an attitude which is more in keeping with the goals of Islamic jurisprudence.

Pathological Lactation

Milk secretion is normally the outcome of pregnancy and delivery, and is brought about by hormonal action. During pregnancy estrogen and progesterone structurally prepare the breast, and prolactin level rises, that is the hormone responsible for actual milk secretion by the glandular tissue of the breast. However, during pregnancy estrogen renders the breast tissue

refractory to he action of prolactin (although estrogen promotes prolactin secretion), or else there will be wastage of unwanted milk during pregnancy. After delivery, and as soon as the placenta which is the main supplier of estrogen is out, breast tissue is free to respond to the prolactin stimulus. Stimulation of the nipple by the suckling baby starts another neuro-endocrine mechanism by which another horomone, oxytocin, stimulates tiny muscle fibres around the milk acini to contract, squeezing milk out in what is called the let-down reflex. Each time the baby sucks the breast this mechanism is activated, as well as stimulation of prolactin production. It is the act of breast-feeding therefore that is responsible for the maintenance—if not the initiation—of lactation.

Under certain known conditions lactation occurs totally outside the normal mechanism just described. Some endocrine imbalances, hyperplasia or a small tumour involving the prolactin secreting cells in the anterior pituitary gland, certain drugs, traumata or tumours cutting off the normal breaks that inhibit prolactin secretion in the normal nonpregnant person, may result in lactation which is therefore abnormal. There is unanimous agreement between jurists that the ruling on pathological lactation from the point of view of lactational fosterage is the same as for normal lactation. If the criteria we referred to pertain, then the woman is to be considered as lactational mother to the baby she suckled, whether or not she has attained puberty, pregnancy or the menopause.

Chapter IV

ABORTION

CONTRACEPTION

STERILIZATION

ABORTION

The question of abortion has become a political issue. . . and quite a hot one at that. Only a few decades ago, induced abortion, or willfull termination of pregnancy before the fetus attained viability, was completely within the domain of Obstetrics & Gynaecology, and was decided upon purely medical considerations. The medical profession used to be concerned for both maternal and fetal lives, and only when these were at irreconcilable conflict was the doctor permitted to sacrifice the fetus if this was the only way to save the mother. Social changes and radical revision of prevailing ideologies resulted in the change of both legislation and social outlook concerning abortion and many other practices, and in many countries abortion has been more and more accessible to women even without a medical indication. In many countries in the world now ''abortion on demand'' is practically the operating policy. The Islamic ruling on abortion cannot ignore the goings-on in the rest of the world, nor can it blind its eyes to the impact of the changing global climate and its implications for the nation of Islam. Typically the main resource of jurist scholars when proposing to solve juridicial problems is a thorough review of their library. What was written by the heads of the juridicial schools and their principal disciples hundreds of years ago is given the status of well established teaching even though at their day it was quite innovative as it addressed emerging social patterns and new trends unknown before. The author of one of the four principal sunni sects, Imam Shafiai, actually issued two sets of teaching, the old while in Bagdad and the new when he later moved to Egypt and encountered a different social climate. The tendency to shun innovation on the part of the majority of professional Muslim jurists is further compounded by a lack of awareness of what happens in the rest of the world, due to the lack of effective knowledge of a foreign language and therefore having a window on the international scene. This linguistic limitation is the result of colonial policies on education fragmenting it to religious and

civilian; a trauma that is hopefully being remedied now. On the positive side, however, is the Islamic revival that has become increasingly noticeable over the past few decades. This is certainly a genuine movement although it remains concealed to many eyes by the clouds of Islamic emotionalism, ultrafundamentalism and sensationalism that are not part of it and are even obstacles in its way. This revival, together with the complexities of modern advances in science and technology, have made it essential and inevitable that Muslim scientists and Muslim jurists sit together to discuss contemporary issues in search for an Islamic ruling on them. This is now becoming an established pattern, and the blessings are clearly palpable. An instant bridge between juridicial thinking and the forefront of world happenings has been established. After the solid foundations of Quran and sunna, old writings and teachings became guidelines but not dictators of juridicial ruling on the problems of our day. The discussion of a subject like abortion no more stops at the mere recitation of old books with their varying views, but account is taken of up-to-date medical and biological data as well as social and moral trends. This was quite obvious in several meetings I participated in, such as the symposium on "Islam and Family Planning" (International Planned Parenthood Federation, Rabat, Morocco, 1970) and the seminar on "Islam and Reproduction" (The Islamic Organization of Medical Sciences, Kuwait, 1983). With this introduction we pursue the subject of "abortion".

QURANIC GUIDANCE

(1) The Sanctity of Life

> "On that account we decreed upon the Children of Israel that whosoever kills a soul for other than manslaughter or corruption in the land, it shall be as if he killed all mankind, and whosoever saves the life of one, it shall be as if he saved the life of all mankind."
> (5:32)

Human life is sacred, and should not be taken away except upon indications singled out and specified by the law (none of these ever falls within the domain of the medical profession). Human life is a value, and its sanctity covers all its stages including the intrauterine phase. Many centuries ago, it was thought that the early fetus was devoid of life but now we know that this is not the case.

(2) The Pledge Of The Believing Women

> "'O' Prophet: when believing women come to you to give you their pledge not to associate anything with God in worship, that they shall not steal, that they shall not commit adultery, THAT THEY *SHALL NOT KILL THEIR CHILDREN*, that they shall not utter slander, intentionally forging falsehood, and that they shall not disobey you in any just matter, then do take their pledge and pray to God for their forgiveness, for God is Oft-Forgiving Most-Merciful." (60:12)

We would like to focus on the phrase "They shall not kill their children." The word "children" in Arabic, like in English, comprises boys and girls. This verse of the Quran mentions a number of sinful acts the sinful women before Islam commonly participated in. When considering "killing their children" we are presented with an exception. The Arabs of the Jahiliya (ie the era of ignorance preceding Islam) knew, as an approved social habit, the killing of children for three reasons: existing or expected poverty, in fulfillment of a vow to their idol gods and the burial alive of the female neonate to evade shame. Historically, all these kinds of infanticide were executed by men, and never did women carry them out. The only explanation open to us therefore is that the Quran prohibits abortion, the only form of child killing that was carried out by women and at those times by women only, so that it was quite in order to include it in the Pledge of the Believing Women.

(3) The Financial Factor

> "Say: Come, I will recite what God has really prohibited you from. Join-not anything as equal with Him. Be good to your parents. KILL-NOT YOUR CHILDREN ON A PLEA OF WANT; We provide sustenance for you and for them. Come-not near to shameful deeds whether open or secret. TAKE NOT LIFE WHICH GOD HAS MADE SACRED except by ways of justice and law. Thus does He command you, that you may learn wisdom." (6:151)

> "KILL-NOT YOUR CHILDREN FOR FEAR OF WANT: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin." (17:31)

The protagonists of family limitation to curb down population growth so as not to outstrip available resources tend to insist that this can never be achieved without the back-up of abortion to existing contraceptive

technology. Such practice would be unacceptable to Islam. The two verses make mention of existing as well as anticipated poverty; neither can justify the killing of one's children. Another verse in the Quran reads:

> "Even so in the eyes of most of the pagans, their partners made alluring the slaughter of their children, in order to lead them to their own destruction and cause confusion in their religion. If God had willed, they would not have done so; but leave alone them and their inventions." (6:137)

Ibn-Massoud, one of the prophet's companions, asked the prophet: What is the gravest sin?" The prophet answered: "That you associate partners with God who created you." Ibn-Massoud asked: What is next to this?, and the prophet answered: "That you kill your offspring for fear of them sharing your food with you." (Bukhari and Muslim)

The Hadith Of The Forties

A hadith related to the prophet peace and prayer be upon him says:

> "The creation of each of you in his mother's abdomen assumes a 'nutfa' for forty days, then he becomes 'alaqa' for the same (duration), then a 'mudgha' (like chewn food) for the same, then God sends an angel to it with four instructions. The angel is ordered to write the sustenance, life-span, deeds and whether eventually his lot is happiness or misery, then to blow the Spirit into him."(The two shiekhs after Ibn-Massoud)

Another hadith related to the prophet reads:

> "When the 'nutfa' has lasted for forty two days, God sends an angel that shapes it, creates its hearing, vision, skin, flesh and bone, then asks: my Lord, is it a male or a female."
> (Muslim after Huzaifa ibn Aseed)

Both hadiths are considered authentic according to the standards of the science of the hadith. Other versions reported bear some variation in wording in both hadiths. There is indeed a view held by some authorities, that both might in fact been the same hadith but reported differently. The mention of the 'Spirit' in the first hadith is taken to signify that the human fetus at the age of one hundred and twenty days assumes a higher status, and this led some jurists of old time to use that cut-off point to emphasize the gravity of the sin of abortion and estimating the legal punitive measures

ensuing upon it. The spirit, however, is something we human beings cannot grasp or know the meaning of. It is a mystery that God kept the truth about to Himself, and we are told by God not to pursue the attempts to unravel its secret. God says in the Quran addressing the prophet peace be upon him:

> "They put questions to you concerning the Spirit. Say the Spirit is at my Lord's command. . . and of knowledge only a meagre part has been imparted to you." (17:85)

The blowing of the spirit is therefore a metaphysical phenomenon beyond human comprehension at all times, and the hadith is taken as a matter of faith. It so happens, however, that the time of pregnancy given for the blowing of the Spirit, coincides with the time the pregnant woman begins to feel the kicks of the fetus inside her uterus; a sensation referred to as quickening of the fetus. Some old jurists therefore fell into the error of considering the blowing of the Spirit to signify also the beginning of life, and since the pregnant woman did not feel quickening before, the fetus must have been therefore 'without life'. Such were the data offered by the knowledge of embryology at their time. In our present day we know that the fetus has been alive from the beginning, but because of its small size, stunted limbs and the abundance of fluid in the amniotic sac around it, the mother could not feel its movements. Only at sixteen or more weeks could the fetus and its limbs grown enough to be able to kick at the inner walls of its mother's womb.

In view of the second hadith, other old scholars set the cut-off time at seven weeks of pregnancy, that is the assumed time of the visit of the angel reported in that hadith, maintaining that it was the time when the fetus shaped up to take a human form. Again our modern knowledge of embryology tells us that the process of shaping up has started a long time before that, and that suitable methods are now at our disposal to ascertain the life of the early fetus, observe its heart beat and various other parameters as well as cytogenetically prove its human nature and various other individual characters including its chromosomal sex even days after the beginning of pregnancy.

The Beginning Of Life

Reviewing old juridicial writings, one feels that the prevailing concepts about the beginning of life were erroneous, and have been superceded by

new facts which are amongst the fruits of advances in science and technology. Whereas juridicial rulings based on the text of the Quran or well authenticated hadith are usually ultimate, other rulings are put forwards by jurists based on the available data at a certain time. Such verdicts are technically said to "revolve around their reasoning." If new knowledge or new situations supervene, then the reasoning might lead to a different conclusion and a previous ruling may be changed for a new one. Since the jurists of old times had their views on the beginning of life which no doubt were pertinent to the question of abortion, we would like to throw the light of modern knowledge on this matter before proceding to review the stand of various jurists on abortion. The definition of the beginning of life has of late become a hot ethical topic, not only in relation to abortion but also concerning the early embryos that remain in surplus in the procedure of in vitro fertilization, and whether it is permissible to use them as research and experimentation material and until what age.

Various treatises on medical ethics exhibit a spectrum of definitions for the beginning of life. Fertilization, nidation, taking shape, quickening, ensoulment have all been adopted by various authors probably influenced by their convictions concerning the subjects we alluded to. Setting personal convictions or idiosyncracies aside, it seems to us that the phase of life of an individual qualifying to be considered its beginning, should combine *ALL* of the following criteria: (1) It should be a clear and well defined event that can actually be pointed at to be called the beginning of life. (2) It should exhibit that cardinal feature of beginning life viz "growth." (3) If this growth is not interrupted, it will naturally lead up to the subsequent stages of life as we know them: fetus, neonate, child, adolescent, adult, old. . . until death. (4) It contains the genetic bag that is characteristic of the human race at large and also of a unique particular individual of whom no other human being is a perfect copy, since eternity and until eternity. (5) It is not preceded by another phase which combines all the preceding characteristics from 1 to 4.

Applying these criteria, life begins with the fusion of a spermatozoan with an ovum to form the zygote, endowed with forty six chromosomes, half maternal and half paternal. Neither sperm nor unfertilized ovum fulfil the criteria although they are alive. Subsequent stages do not qualify because they are preceded by the zygote that fulfils all criteria.

Jurists' Views

The accounts on abortion in books of jurisprudence are quite lengthy and it would not help to copy them all. For the sake of simplifying the matter to the reader, we will give an adequate digest of the different views.

All jurists of all sects unanimously agree that abortion after sixteen weeks is a grave and punishable sin. A small minority showed leniency before sixteen weeks, and a small minority showed leniency before seven weeks. The influence on their concepts of the presence or absence of life in the early fetus has already been alluded to.

Sheikh Mahmoud Shaltout (late grand Imam of Al-Azhar in the 1940s), in discussing the verdict on abortion wrote: ''Old scholars are agreed that after quickening takes place, abortion is prohibited to all Muslims, for it is a crime perpetrated against a living being. Therefore blood ransom is due if the fetus is delivered alive, and the 'ghorra' (one twentieth of the ransom for manslaughter) if delivered dead. The jurists were not, on the other hand, agreed whether to sanction or prohibit abortion if performed prior to the quickening phase. Some felt it was permissible on the grounds that no life existed and therefore no crime could be committed. Others held that it was unlawful, maintaining that it already had invisible life, that of growth and preparation. Among the latter was Al-Ghazali, the great master belonging to the Shafiai school. He clarified the difference between contraception (by coitus interruptus at that time) and abortion, for abortion is an assault on an already existing life. The first grade of existance occurs when male matter falls into the womb and fuses with the female matter and gets ready to receive life. To destroy this is a crime, Al-Ghazali said. The crime grows more and more serious as this matter passes from one phase to the other. The crime is more heinous after the blowing of the spirit, and reaches its worst after the baby is born alive as was the pre-Islamic (Jahiliya) Arabs' practices of killing their children or burying their female neonates.'' (Shaltout: Islam—Creed and Law. Pub. Darul Qalam, 3rd ed, 1966).

Commenting on the quickening of life, Sheikh Shaltout says: ''As they say, it does not occur until after the first four months. When, on the other hand, we speak of life taking place in the fourth month, we are actually referring to the perceptible life which the mother feels through the movements of the fetus, to which the term 'instillation of life' has been given. It is this point which enables us to conclude that the scholars' dif-

ferences of opinion on the permissibility of abortion resulted from their unawareness or lack of grasp of these technical aspects of the question, leading them to regard abortion before, as different from abortion after, formation of the fetus is complete and quickening takes place. It may be said therefore that they are all agreed on the interdiction of abortion at any time during pregnancy." (Shaltout: Al-Fatawa-Al-Azhar, 1959).

In his reference to 'quickening' and whether it really marked the beginning of life, Al-Ghazali was shrewd enough to postulate that fetal life proceeded in two phases: the phase of imperceptible life characterized by silent growth and making ready to receive the spirit, followed by perceptible life starting with the mother's perception of quickening. Both phases are respectable and should not be violated.

When Is Abortion Permitted?

Almost all jurists are agreed that if the pregnant woman suffers a medical condition incompatible with pregnancy and the medical opinion is that continuation of pregnancy poses a real threat on her, then abortion is permissible. Jurisprudence considers that the mother is the root and the fetus is the offshoot, and if their welfares are irreconcilable then the fetus has to be sacrificed in order to save the mother. These medical indications have become quite rare in modern medical practice. Some old jurists were even more rigorous and would not approve of any excuse for aborting a fetus of one hundred and twenty days of gestational age or more. When faced with the argument that abortion then might be necessary to save the mother's life, they answer back that it is against he jurisprudence to save one individual by killing another. To them the life of the existing fetus is a palpable reality, whereas the alleged feared death of the mother if not aborted is merely an expectation (Ibn-Abdeen of the Hanafi school—quoted in Encyclopaedia of Jurisprudence, Kuwait, Part 2/57). Such a restrictive argument has not been adopted by the other old or contemporary scholars, for if the mother died her fetus would also die in any way because of her death.

Islamic Regard Of The Fetus

The human race is the noblest race as God decreed:

"We have honoured the sons of Adam, provided them with transport

on land and sea, given them for sustenance things good and pure, and conferred on them special favours above a great part of Our creation."
(17:70)

Since every person started as a fetus, Islam confers respect and protection on the fetus since the time it is there. On the metaphysical side we have already referred to the assignment of an angel to keep watching the pregnancy. A hadith of the prophet (that might well be another version yet of the same hadith) says:

"God has assigned an angel to watch the uterus. The angel says: My Lord, it is a nutfa . . . my Lord, it is an alaqa . . . my Lord, it is a mudgha. And as God shapes it the angel asks: my Lord, is it male or female? lucky or unlucky? rich or poor? How long will it live?—and all of this is then registered." (Qortobi: Ahkam al-Quran,12,7)

On the practical side, various legal rulings were decreed by Islam to safegard the well-being and healthy development of the fetus. It made it an obligatory duty on the father to provide for the pregnancy and answer its financial needs even if the relations with its mother have been severed by divorce or separation or other circumstances. The provisions for the pregnancy are quite independent of any other dues the father might owe the mother.

It is for the sake and welfare of the fetus that the pregnant woman is exempted from the obligatory fast of the month of Ramadan.

If a woman commits a crime the punishment of which is death and is proven to be pregnant, then the execution of the punishment shall be postponed until she gives birth to her baby and completes its breast feeding until weaned. This is a straightforward acknowledgement of the right to life of the fetus. This applies even if the pregnancy was illegitimate, emphasizing that the fetus conceived out-of-wedlock also has the right to life. This was the sunna carried out by the prophet and operates irrespective of the age of the pregnancy no matter whether it is very early pregnancy or has attained forty two days or more or less. It is the universal policy followed by all Islamic courts of all sects and juridicial schools. This ruling settles once and for all any queries pertaining to our duty to safegard and protect the fetus starting from the onset of pregnancy.

Islam gives the fetus a "zimma". The "zimma" is the status that qualifies a person to exercise his rights and his duties, except that this is incomplete

in the case of the fetus, for the fetus enjoys its right but owes no duties. The fetus has the right to be related to its father without confusion of paternity. If its mother is a divorcee or a widow then she should not marry until the fetus is born so as to keep the genealogy clear.

If a man dies while his wife is pregnant, then the rules of inheritance recognize the fetus as an inheritor if born alive. The share of the unborn is set aside, and other inheritors upon receipt of their shares of the legacy give a documented pledge that if more than one baby are born then they would reimburse the share of the twins. The same applies if the deceased is some other heritable than the father. If the fetus is miscarried at any stage of pregnancy but it shows definite signs of life such as a sneeze or a cough or suckling the breast or established movement and after a while it dies, then this fetus has the right to inherit any of its legal heritables who died after the beginning of pregnancy, and after the fetus dies it is inherited by its legal heirs.

Islam prescribes punitive measures for committing abortion. Besides being a sin, punishable by God in this world or the hereafter, legal punishment is also due. This has been discussed extensively in books of jurisprudence, detailing the views of jurists of various sects. We will here outline a digest of these lengthy views. If assault on the fetus results in miscarriage of a dead fetus, a money punishment is to be paid, as well as a separate punishment for the agression per se. The money punishment here is called the "ghorra", and it equals one twentieth of the money ransom that may be paid for killing an adult. The "ghorra" is paid to the legal heirs of the fetus, but if one or more of them did contribute to effecting the abortion, they have to pay their share of the punishment but are denied their share as inheritors, and this applies to the parents as well. The other punishment for agression is subject to the decision of the judge. It is severer if abortion is willful than when it is inadvertent.

If the fetus is aborted alive and then dies as a result of the assault on it, the punishment is severer and may be raised to a full ranson, or even be considered manslaughter with full fledged punishment. If the result is abortion of a living fetus but afflicted with an injury such as the loss of an eye or a limb, compensation will be paid in accordance with the approved scale of compensations in the judiciary system.

It is only under the necessity of saving the life of the mother if pregnancy is lethal to her, that all these penalties are foregone.

On The Western Front

It is perhaps not out of the way to give a short briefing on the abortion situation in some countries that have liberalized abortion. It is far from exaggeration to state that the large majority of abortion operations are performed on unmarried women. This seems to uncover the real need fueling the enthusiasm of abortion protagonists. Abortion became part and parcel of a total wave preaching sexual license and uprooting the codes of behaviour prescribed by all God's religions. Nice names were used to enhance the acceptability of the new deal, such as personal freedom, love, emancipation and equality of the sexes: since man enjoyed free sex without inhibition and only woman faced the sequelae of a possible pregnancy. It had been thought that widespread availability of contraceptive means would be sufficient to relieve woman from the worry of getting pregnant, but this did not work in reality and out-of-wedlock pregnancies showed a steadily rising incidence. Promiscuity became rampant and girls in their couldn't-care-less attitude did not feel responsible enough to contracept. Abortion therefore was a necessary backup, as well as the promotion of the 'single parent family' to the level of social acceptability and support.

In some countries, like Romania for example, it was realized that the matter got out of hand when the number of induced abortions considerably exceeded that of full time births. It was seen that the nation was in the process of committing suicide by extinction, and the state retracted the permissive abortion laws, making abortion legally justifiable only upon medical indications. It took steps to encourage population growth by incentives like financial allowances, tax deductions, compensation for large families and fully paid adequate maternity leaves. Without these measures it was felt that the productive stratum of society would not be sufficiently replenished, whereas the unproductive aged stratum would continue to grow as a result of the rising longevity brought about by progress in health and medical care. Progressively less and less (people) would be carrying more and more.

It is indeed regrettable to see that the same anti-life pro-abortion factions have realized the problem but are forwarding a proposal to balance the equation at its other limb in a sinister monkey-and-cheese philosophy. If the carrying stratum is not to expand, then the carried stratum should not accumulate. Disposing of the old will be the social cry of the not too distant future. Already pressure is being applied towards legalized euthanasia, and—comparing with the early pro-abortion days—we must

admit that the new cry has already covered part of the road. In his editorial in the News Exchange of The World Federation of Doctors Who Respect Human Life (No. 80, June, 1983), doctor Ph. Schepens quotes the official Dutch medical weekly *Nederlands Tijdschrift voor Geneskunde,* which is the official publication of the Dutch Medical Society, that devoted six articles out of eleven in its issue of May 28, 1983, to the subject of 'Euthanasia for consenting people' or—so called—'Voluntary 'euthanasia'. Fourteen out of fifteen authors defended euthanasia and promoted it under such titles as: Editorial—about responsibility; Clinical lessons—Active Euthanasia; How the general practitioner learns to live with euthanasia; The responsible performance of euthanasia; About the declaration of death, euthanasia and how to help someone to suicide etc. Even various 'lethal cocktails were described entailing the best way to murder the patient. According to this movement the medical professional should cease to assume his or her historical role as a servant of life, and means of taking life should be amongst the doctor's armamentarium. As the editor of that journal explicitly admits it (NTG 1983, 127, No 22, p 945), "Times are changing and so are we. This means that there are no longer principles, norms or values that should continue to guide humanity from its beginning and for good. Everything is 'time dependent'."

It is no surprise then that glamorous names who pioneered the abortion movement are the same at the top of the euthanasia cult such as the late Dr. Allan Guttamacher, renowned gynaecologist and famous abortionist and member of the executive council of the International Planned Parenthood Federation, later become a member of the council of the Euthanasia Society of America. The kinship is also evident as Professor Michel Schooyans of Belgium points out, in the systematic recourse to the 'antiphrase', that is the art of making a word mean the opposite of what it normally means. The followers of 'death with dignity' speak about 'death under the most favorable conditions', and a 'death of quality'. . . both in reality being clinically planned murder (News Exchange of the World Federation of Doctors Who Respect Human Life, 1983, no. 80, p 3). Being unable to conquer illness, the medical profession solves the problem by killing the patient. Incentives and pressures to pursue research would be undermined by this easy solution that runs at a lower gradient, instead of being bolstered up and fortified by faith in the statement of prophet Mohammad peace be upon him:

"To every illness God has created, God has created a remedy."

Having secured their success against life in the fetal stage, the anti-life lobby are doing well on the front of euthanasia and are even pushing a spearhead into the socio-political field. This is well illustrated in the writings of no less a man than Jacques Attali, advisor to the French President Miterrand. His following words speak for themselves (Jacques Atalli: 'La medecine en accusation' in Michel Solomon, 'L'avenir de la vie', Coll. Les visages de l'avenir, Ed. Seghers, Paris, 1981 p 273-275). "I believe that it is in the logic of our industrial system that the prolonging of life is no longer a desired objective in our political system. Why? Because as long as the reason for prolonging life was to achieve the full capacity of the human machine, in terms of work, this was perfect. But when a man lives beyond 60/65 years of age he outlives his productive capacity and thus he is a financial burden upon society. So the objective, within the logic of the industrial society is no longer to prolong life but rather that within a given life-span of an individual he lives the best possible life but in such a way as not to undermine the collective good. And so a new criterion for life expectancy is that the value of a particular health system is not its concern with life expectancy but with the number of years a person has lived without illness or need for hospitalization. In fact, from a social point of view, it is much more preferable that the human machine is stopped abruptly rather than be allowed to deteriorate progressively." The author adds "Socialist logic is liberty and the most fundamental liberty is suicide, consequently, the right to suicide whether done by one's own hand or another's is an absolute value in this type of society. . . In a capitalist society, killing machines, which would pursue the elimination of life when it becomes too intolerable or economically too costly, will come into being and be in daily use. I therefore think that euthanasia, whether it be a value of freedom or a commodity, will one day in the future be very prevalent."

This advertant elimination of life, be it at its beginning in the form of abortion under the banner of 'the freedom of the woman over her body', or later for the sick and disabled under the banner of 'the right to die' and using the nice name 'mercy killing', or in old age when dying ceases to be a right and becomes a duty even if the person is unwilling, under the pretext that 'the human machine has outlived its productive span and its upkeep has become a financial liability', is becoming a political wave to be taken seriously. It has its logic; but only when human life is given the same status as animal life or machine life. Humanity per se ceases to be a value in itself, and an absolute value at that. Under this purely

materialistic approach, which unfortunately continues to sway over the world, people become things—like other things. To speak about God, spiritual values, the hereafter, divine guidance, has no room in such vocabulary. Loving care extended to old parents would be a waste and a betrayal of society.

When people become things, fetuses of course are little things, and the abortion issue is judged only under the light of personal freedom. The public opinion in the United States of America is divided between a Pro-life movement and a Pro-choice movement. The Pro-choice of course can see only the right of the woman over her body and the unacceptability of asking her to carry a fetus she does not want to carry. That the "choice" implied in the name of the movement is in fact a choice to kill an individual who is not part of the body of the woman (indeed it is genetically and immunologically different) is totally ignored. That the fetus is present in her womb as the result of her own doing and not by any will or action on its part is totally ignored. The taking away of the life of the only innocent party for the sake of convenience is totally ignored. The fetus is a biological parasite just as the old and disabled are social parasites. They aim at a lower number of those admitted into life, at its beginning, and a high number of those that have to be wilfully sent out of it near its end. It is a grave shortsightedness to study the issue of abortion in isolation from the totality of the ideological climate that sponsors it, and its implications in terms of the sanctity of human life and whether it is a value or a commodity. At this crossroads facing social ethics in our present day, the future of humanity for millenia to come is being decided.

But the Pro-life movement in the U.S. have recently aquired momentum and become as vocal and as noisy as their adversaries. Since they are the ones seeking the change in the status quo regarding the legitimization of abortion, they are no more stereotyped as the conservative, old fashioned pedantic elements. They are in some measure America's reaction to a period of ultra-license that is leading to grave moral consequences, and their cry is more perceived as 'on to morality' rather than 'back to'. A film of their production was shown on television, illustrating an abortion operation shot by an ultrasound camera. The little fetus was there, alive and kicking. As the surgeon's instruments touched it, it retracted its limbs in an attempt to escape. But when its body was grasped and crushed by forceps, it frantically convulsed and repeatedly opened its mouth as if crying for help, until it succumbed to the instruments invading its sanctuary and was

brought out in pieces. That television release confronted the nation with what abortion really is, and aroused great revolt. Demonstrations were organized against abortion and abortion clinics were picketed and branded as murder shops. In the presidential election campaign of 1984 abortion was the subject of hot political debate. President Reagan in his book "Abortion and the Conscience of the Nation" declared that since abortion was legalized in 1970, fourteen million American lives had been lost by abortion, more than all lives lost in all America's wars. Many doctors gave up the practice of abortion, including one with a record of ten thousand abortion operations. Many women turned back from abortion and decided to carry their fetuses to birth. And the battle continues:

Conclusion

In Islamic jurisprudence there is a rule called 'Sadel-al-Zara'ea" which means the anticipation of evil by closing the doors leading to it. A long chain leading to evil is better broken at its first link. A basic criterion of "ijtihad", that is the reasoning process to deduce a religious ruling in situations not specifically mentioned in the Quran or Hadith, is a full knowledge of social circumstances and the near and far reaching implications of the question under consideration. Perhaps the question of abortion is not a difficult case since the religious evidence against it is overwhelming. However, for the sake of the minority of contemporary scholars who permitted abortion before ensoulment or before aquiring human form, this lengthy display of the various dimensions of the abortion issue is quite worthwhile.

I would like to report a personal experience that is not without significance to the subject. That was when I was once asked to mend the rift between a couple and their eighteen year old son. They were a Muslim family and as I reminded the young man with the Islamic injunctions on the Muslim towards his parents, the young man retorted "I owe them nothing doctor and it was by a stroke of luck that I escaped murder at their hands. When they married they decided to have two kids only, and they aborted the five others who were conceived after my sister and myself. Had I not been the second, and if I happened to be number three or four or five or six or seven, they would have killed me as they did the others"!!

When the subject of abortion was discussed—at wide angle—in the 1970 IPPF Conference on Islam and Family Planning in Rabat, Morocco, and

in the 1982 Symposium on Islam and Reproduction held in Kuwait by the Islamic Organization of Medical Sciences comprising scholars in jurisprudence and scholars in medical and life sciences. . . the consensus was that Islam recognizes, respects and protects human life in all its phases including the intrauterine stage, and therefore abortion is not to be permitted except under the most dire medical indication.

CONTRACEPTION

A crucial difference between abortion and contraception is that in the latter there is no killing of an already existing fetus. All Quranic references forbidding the killing of children for any reason including poverty, present or anticipated, or the female infanticide practiced by pre-Islamic (Jahiliya) Arabs therefore do not apply. The great majority of old and contemporary jurists therefore had liberal views on contraception, as long as it does not negate altogether the procreative function of marriage. It is not acceptable therefore that a marriage should be contracted with the preset condition or intention to make it a childless marriage.

The evidence that contraception is not religiously prohibited derives from various reports since the time of the prophet peace be upon him. In the esteemed compendia of Al-Bukhari and of Muslim, both very reliable sources on the prophet's traditions, a companion of the prophet with the name of Jabir reports: "We practised contraception by withdrawal (coitus interruptus) at the time of the prophet peace be upon him, at the time the Quran kept being revealed to him, and when he knew he did not forbid us."

Responding to a question from a man whether it was alright to practise coitus interruptus with a woman he owned, the prophet said:

> "If you so wish you may. And if God willed for her something (pregnancy), she will have it." (Muslim)

This reference to the possibility of failure of the contraceptive method that was known at that time, became relevant as the man later went to the prophet to tell him that the woman had become pregnant, to which the prophet remarked:

> "I have already said it to you. Whatever is willed for her will come to her." (Muslim)

The practice is also sanctioned with one's wife, except that it must be

by mutual consent, as decreed by the prophet:

> "A man must not practise withdrawal with his wife unless she freely consents." (Abu Dawood)

The objectives of contraception have been many and varied. At one time the search for a reliable acceptable contraception was spurred (and actually funded) by advocates of the women's liberation movement, believing that as man can enjoy sexual liberty without the threat of bearing an undesired pregnancy, then woman should be freed from that fear and enabled to enjoy sex without such anxiety. At the beginning contraception was a prescription for the married woman. But times changed and with them the accepted social norms, and contraception is now universally available for married and unmarried. On the medical side, the hazards of high parity have become identified and the terms 'grand multiparity' and 'the dangerous multipara' were coined, and contraception was promoted by doctors to obviate these hazards. These are mainly anaemia, calcium deficiency that might lead to soft bones and secondary contraction of a previously adequate pelvis, diabetes mellitus, haemorrhages and malpresentations associated with pregnancy, worsening of existing medical diseases and age related maternal illness or fetal anomaly.

The economic factor on a global scale has been widely publicized, projecting that population explosion will soon outstrip resources that are already available or that can be added, and publications relating to this give quite convincing statistics and projections. But probably the most effective single motivating factor is the socio-economic factor at the level of the individual family. As the number of children ceased to be a financial asset, the emphasis is mainly on the quality of life the parents want for their children, and that the required standards of raising up the children and of catering for the whole family might be incompatible with a large number of chilren.

Iman Al-Ghazali wrote that contraception was permitted and innumerated a wide range of indications to practise it, beginning with health reasons that would make pregnancy a health hazard to the woman, through socio-economic factors and going as far as the mere wish of the woman to preseve the beauty of her physique.

The instruction of the prophet to Muslims to "marry, procreate, and abound in number, for I will pride myself with you amongst the nations on the day of reckoning" (Abu-Dawood) is sometimes quoted as evidence against the permissibility of contraception. But it is obvious that numbers

alone are no reason for pride unless the quality was also good. In another tradition the prophet—as if reading clearly through many centuries—said:

> "There will come a time when other nations fall upon you like greedy eaters upon a bowl of food. And God will take off from the hearts of your enemies any heed for you, and put in your hearts fear of them. And throw feebleness into you." When asked: Apostle of God, will that be because we are small in number? He said: "No. You will then be too many but rather like the foam floating over water."

The Quran rebukes the wrongdoers saying:

> "It is not your wealth nor your children that will bring you nearer to Us in degree." (34:37)

The distinction between quality and quantity is adequately illustrated in the following verse:

> "How oft by God's will has a small force vanquished a large one. God is with those who steadfastly persevere." (2:249)

The Islamic look at contraception, however, does not stop at a statement of its permissibility. Several states have adopted a population policy aiming at curbing the preproductive rate, and it is the consensus of Muslim scholars that no population policy should be enforced on the people, for such will be in conflict with a basic Islamic human right. Public education and cultural maturity have proved to be the most effective measure in this respect, but then the matter should be left for each individual family to meet their circumstances by their own free choice. It has been the constant observation that with widespread education of women and active participation in the affairs of their community the family size had tended to be smaller, an this—and not the economic factor—is the primary motivating factor toward family limitation. The ethnic and cultural variability is great and in our opinion should be acknowledged and respected. It is not uncommon in practices serving a mixed community, like ours in Kuwait, to receive the woman seeking to stop pregnancy after one or two children, and the mother of six children who is quite anxious because over the past two years she has not become pregnant yet.

The contraceptive armamentarium has become very much developed over the past few decades, and yet it is true to say that search for the ideal contraceptive still continues. The Islamic rule of "No harm and no harm-

ing'' should be meticulously observed, and unless the safety of a contraceptive method is proven, it should not be dispensed. Every time and again the medical literature carries the news about side effects and complications—some serious—following the use of one or the other contraceptive, and this arouses much anxiety if it finds its way to the public press. Since the marketing of contraceptive pills in the fifties and their widespread use, qualitative and quantitative modifications in their formula have never stopped, casting an air of suspicion about their alledged safety. Although much has been known about the pill after thirty years of use, especially pertaining to situations where the pill should not be given, reservations are sometimes voiced concerning more subtle biological changes that would take several generations to express themselves and claiming that interference with normal physiology for long periods of time cannot occur at no price.

Another ethical reservation in the field of contraception is the observation that some governments have put a ban on certain contraceptives for their own people, while sanctioning their production by their own firms in their own country but only for export. This covers also a wide variety of medicines and chemicals, banned for local use but produced to be sold to other countries. It has also been observed that some new drugs (an example is the contraceptive pill itself) or technologies devised by medical scientists, are not granted endorsement for national use until they have been extensively tried outside the borders, on other nations, and their safety or unsafety properly established. In other words other nations are used as human guineapigs to know if the drug is safe for the masters. It is regrettable to see scientific (!) bodies mediating in the process, under the guise of funding medical research and fostering academic collaboration. Despite the excuse, the ugly fact remains that states and medical bodies operate on the basis of a double standard in evaluating human life, and that human beings are not equal or—as George Orwell put it—they are all equal, but some are more equal than the others.

A contraceptive method should not act by agression against an established pregnancy. The operation of 'menstrual regulation' which—inspite of the innocent name—is a very early induced abortion, or the use of prostaglandins for the medical induction thereof (this might be the future method for wholesale early abortion) cannot be sanctioned by Islam. The intrauterine contraceptive device has caused much debate, whether it is a contraceptive or an abortifacient. In its early days it was assumed that

as a foreign body it sensitized the genital tract so that the unfertilized ovum would be hurried along without being fertilized, in a manner likened to diarrhoea. Other theories suggested alterations in the endometrium making it unsuitable for nidation, or even inducing an abortion of the nidated embryo. Perhaps this question can be answered by diagnosing recent pregnancy in two groups of normal fertile normally menstruating women: the one fitted with the device and the other for control. A rosette inhibition test is reported to be able to diagnose pregnancy only hours after fertilization. If the incidence of pregnancy in the contraceptive device bearers is statistically higher than the general background incidence of unnoticed miscarriages in the general population represented by the control group (unknown but estimated as more than twenty per cent), it might be concluded that the device is abortifacient. The newer generations of intrauterine contraceptive devices, however, incorporate contraceptive means. Copper containing devices emanate copper ions which are known to be spermicidal. Progesterone containing devices would alter the physico-chemical properties of the cervical mucus rendering it too thick to be penetrated by spermatozoa.

Two more aspects of contraception deserve further comment. The warning cry about shortage of resources in the face of population growth seems to focus solely on population limitation as the only solution. It is felt that other complementary solutions should also be highlighted and implemented. Redistribution of wealth should also be considered, not only nationally but also internationally. While some societies suffer from the sequelae of overnourishment others are in the grip of famine or undernutrition. Some countries burn the surplus of some crops so as to maintain prices, while others are in dire need of it. Basic food items are used as a political weapon and poverty of whole nations is exploited by purposes of conversion: political or religious. The international monetary system based on usury has transformed loans given to poor countries from a blessing to an expanding curse, and economics of poor nations are depleted in a desperate attempt to pay interest rates, let alone the debts. The selfish game of politics keeps igniting military conflict here and there so that nations' resources are spent on buying arms from the developed industrialized countries, instead of giving priority to building up their economy. On the other hand, military expenditure by major powers is tremendous, and the search for more deadly weapons continues at astronomical cost. If only part of the military budgets were diverted to the development of known resources and the discovery of fresh ones then perhaps the picture would not have

been as gloomy. There is a crisis of human compassion and a lack of trust between nations that is at the root of much of the contemporary human suffering. Unless people of all nations realize that they are one big family and act accordingly at all levels, the mere curbing of population growth will never be the answer. Unless politics and economics acknowledge and heed moral considerations, the future of humanity remains bleak. It is amazing and unfortunate that the great political figures of our times continue to abide by the traditional rules of politics based on prejudice, deceipt and selfishness. Intelligent statesmanship should not fail to see the abyss humanity is heading to, and the long chain of aetiology that leads to an international climate of bitterness and despair in which the value of man and the values of humanity entirely lose their worth.

The remaining aspect of contraception has lately come under the light and achieved public awareness. One type of human conflict is manifested by what may rightly be called the demographic warfare. In certain locations long term plans have been drawn to change the population composition, so that with time minorities would grow to be majorities and majorities would shrink to be minorities. Family limitation is strongly preached in certain quarters while it is strongly banned upon others.

A people might react by a higher reproductive rate in the face of national disasters or in the aftermath of war. Palestinians are known to be very pronatal, but when a people have lost everything except their sheer numbers then it would be folly to sacrifice this as well. Israeli sources have repeatedly expressed anxiety at the higher reproductive rate of the Arab population compared with the Israeli population in Israel. A doctor or a reformer preaching the hazards of high parity or the population explosion to Palestinian Arbs would be none but a voice lost in the wilderness. It would seem the more that the balancing of people and resources takes more than contraception to achieve.

STERILIZATION

Sterilization refers usually to a surgical procedure aiming at preventing pregnancy. The common method in woman is the interruption of the continuity of both uterine tubes so that the ascending sperm and the descending ovum can never meet. Sterilization of the male aims at interrupting the continuity of the vas defferens on either side, so that spermatozoa formed

by the testicles do not have an egress to the outside and the ejaculate is devoid of spermatozoa; later on the function of producing sperms by the testes is lost, although they continue their hormonal function of producing testosterone, the male hormone responsible for libido and sexual vigour. It does not entail castration, which means removal of the testes (or the ovaries in the female).

As a surgical procedure, sterilization cannot be described per se as religiously permitted or prohibited, for this would depend on the application rather than the operation. The decision to carry out this operation, however, should not be taken lightly, for although technically easy, the religious implications can be very serious. The gravity of the decision is realized if we remember that the five basic goals of Islamic law are the preservation of self, religion, mind, property and procreation. In the scale of compensations to be paid as ransom for damages resulting in loss of life or of body members and/or functions, the ransom paid for causing loss of the procreative function is equal to that for loss of life.

When performed for a clear medical indication, sterilization is not only permissible but might be mandatory. If an incurable condition of the mother makes a further pregnancy hazardous to her health or life, then she should be offered the option of sterilization, especially if other contraceptive methods are not acceptable, suitable or reliable. Fear of transmission of hereditary disease to the progeny is also a valid indication. This is quite consistent with the Islamic rule of "repelling harm". The permissibility of contraception is not conditioned with a time limit, and sterilization is merely contraception for good. When practised for non-medical indications, however, there is no rule of thumb to be applied. Careful balance has to be made in each individual case between the pros and cons, but always with full heed to the seriousness of the decision from the religious as well as the human point of view. Permission to sterilization is not absolute, and Islamically the doctor should choose what is best for his or her patient, not what is second best. Certain guidelines should influence the decision making, such as:

(1) Sterilization should be the outcome of voluntary, enlightened and free consent of both spouses. No government policy should pressure people into sterilization or tempt them to it by attaching money or other incentives. . . for this exploitation of need and poverty is amongst the worst kinds of pressure. Procreation is a basic human right and one of the individual freedoms. The fact that scientific and other agencies in countries

where individuality is overemphasized, are seen to encourage an opposite policy of authoritarianism in other countries, the double standard in regarding individual rights and freedoms, are, in the long run, conducive of injustice, bitterness and divisiveness. Expediency should not override principle.

(2) The decision on sterilization should be considered an ultimate decision. Advances in techniques of sterilization and of its reversal do not mean that reversal can be guaranteed. We are aware of practices luring people into sterilization upon the sure promise of reversal if the patient changes her (or his) opinion. This is not honest practice. Besides, the fees of reversal operations should be declared to the patient before and not after, sterilization. As a matter of fact the real impetus for perfecting reversal surgery, that is belated change of opinion, is in itself an admission of a faulty decision on sterilization in the first instance. Few patients in the practice of the gynaecologist are more miserable than women who decided on sterilization and underwent it at a time when they felt quite confident about their decision, and then something happened that made them seek to get pregnant again but without success inspite of repeated surgical attempts, and every gynaecologist must have seen them time and again. Perhaps in-vitro-fertilization may provide an option to address this problem, but is this a really reliable solution? The answer is no, for the success rate of in-vitro-fertilization in terms of a viable pregnancy still revolves around the twenty percent mark. These patients with previously normal fertility are the more miserable because they know that they lost something they already had; they had not been infertile seeking treatment but then they lost their fertility at their own hands and iatrogenically at the hands of their doctors.

With the possibility of loss of children by accidents of fate, or the possibility of the youngish spouse getting divorced or widowed and remarried and desirous of getting pregnant in her new family situation, it should be a counsel of wisdom to resort to some form of reversible contraception rather than sterilization as a means of family limitation. The availability of suitable reliable contraception should make sterilization superfluous in the majority of cases.

The situation is perhaps a little more flexible in the elderly patient who has achieved or exceeded her "feasible" family size. The elderly does not have much of an obstetric future to sacrifice anyway, as fertility naturally dwindles with advancing years, with concomitant increased libility to

the hazards of high parity for the mother and chromosomal nondisjunction syndromes affecting the fetus. It should be remembered that what we refer to as "feasible" family size is more socially than medically defined. It might be one or two children for an Indian but six to eight for an Arab, and this is apart from individual family predelictions. During an international conference on contraception a few years ago, a delegate from Egypt pointed out that in his series of sterilization the average patient age was thirty four years and the average number of children was 4.1. Commenting, a French delegate was really hot under the collar as he pounded the table with his fist shouting in an authoritarian way: "This means that we have to be more aggressive, sterilizing more and more women at a younger and younger age with fewer and fewer children." To me this sounded both amazing and horrifying. From within the captivity of an obsession, medical people sometimes miss the point that their ultimate goal is to end up with happy and not miserable or remorseful clients. At another conference, a colleague from India described how in his set-up the operation of sterilization was carried out by trained paramedical personnel under local anaesthetic, on an ordinary kitchen table, cleaning the instruments between operations with ordinary boiling water, so as to be able to cope with the long queu of women lining outside the room to get the operation performed. At the time when medical liability and the cost of practice insurance in America were soaring up, American colleagues enthusiastically applauded the achievements of the Indian colleague and commended them frantically. Two standards of medical practice seemed to aquire full approval, as long as each was targeted to its respective category of people. To us this is certainly unprofessional, unethical and certainly non-Islamic.

(3) Wholesale sterilization should be avoided, whether to curb population growth or to experiment with new techniques. Individualization is absolutely necessary, and full counsel should be given to every patient (or every couple) individually, without attempt to play down the possible sequelae and implications of sterilization. Consent should be really and honestly informed and free. The choice of the patient should not be binding to the doctor, and when the young patient with low or no parity opts for sterilization then it is the doctor's right to decline if he or she do not feel that this is in the best interests of the patient. Needless to say, if Islamic standards are to be observed, then the doctor should be known to believe in Islam, abide by its regulations and keen to heed its standards.

In a properly Islamic practice, sterilization is an operation that is usually discouraged unless the medical indication is clear or the nonmedical indication carefully appraised. Financial gains should not tempt the doctor to compromise. Nor should the decision be left for junior medical staff eager to gain surgical experience. Mature opinion, preferrably in consultation, should be sought for every case.

Chapter V
SEX

SEX

If the unit of humanity is a pair of a male and a female then sex is the force that attracts them to one another and brings about their unison. The yearning of the one half to its other half in pursuit of completeness is a legitimate basic drive and although it is an end in itself, it is also a means to another end which is the preservation of the species by the process of procreation. In Islam there is no notion of a sinful or dirty nature about the sexual drive, and the concept of self purification by celibacy is against both nature and Islamic guidance. Towards both ends, God has decreed the family institution as the only legitimate venue. The pairing off of a man and a woman to become husband and wife aquires a sanctity that Islam goes all the way to preseve and protect. The bond has to be legitimized by a special contract, the marriage contract; or the wed-lock as referred to in christian vocabulary. Upon the marriage contract moral and legal mutual rights and responsibilities are established, and under its protective umbrella the children are born, with established legitimacy and legal safegards.

Celibacy

Celibacy was introduced into Christianity with the good intention of self discipline and rising above the calls of the flesh. Islam deals with natural instincts by controling them but not by their denial. Because it is against nature, history tells us of the betrayal of celibacy by some monks and nuns in earlier times, leading to illicit sexual relations or sexual perversion. In a general theme of praise to christians, the Quran refers to the matter of celibacy stating that it was not decreed by God:

''Then in their wake (referring to Abraham and Noah) we followed them up with (others of) Our apostles; We sent after them Jesus the

son of Mary, and bestowed on him the Gospel; and We ordained in the hearts of those who followed him compassion and mercy: but the celibacy (and monasticism) which they invented for themselves, We did not prescribe for them. (We commanded) only the seeking for the good pleasure of God. And they did not regard it as they should have done." (57:27)

Indeed modern times are witnessing a number of celibate clergy in the United States of America giving away celibacy and getting married, in the face of the objecting Church. At the time of prophet Mohammad peace be upon him, three muslim men enquired about the worship of the prophet. Finding that it was not as much as they had expected, they said: and who are we in comparison with the prophet who was blessed with God's forgiveness of all his trespasses. One of them decided to stay up all night in prayer, the second to make fasting everyday for good, and the third to remain celibate and never to marry. When he knew about them the prophet rebuked them saying:

"I am indeed the most fearful of God and mindful of Him, but I do not fast continuously, I pray (part of the night) and sleep, and I am married." (Bukhari and Muslim)

On another occasion the prophet said:

"God has replaced to us the celibacy of the christians with this truthful religion." (Tabarani)

This relation between man and woman is considered by God as one of His signs and blessings:

"Amongst His signs is that He created consorts for you from amongst you, so that you may find tranquility with them, and (He) set love and compassion between you. Verily in this are signs for people who reflect..." (30:21)

Chastity

Chastity, on the other hand is mandatory in Islam. It is also so in Christianity and Judaism...but—it is regrettable to say that—the word has almost been deleted from the code of personal behaviour in the great majority of western societies. Sex outside legitimacy is prohibited, for both men and women whether married or unmarried.

The most famous personal example of chastity in the Quran is Virgin Mary (Miriam) mother of Jesus:

"And remember her, who guarded her chastity, We breathed into her of Our spirit and We made her and her son a sign for all peoples." (21:91)

"She screened herself away from them (her people) then We sent to her Our angel, and he appeared before her as a man in all respects. She said: I seek refuge from you to God, Most Gracious (come not near) if you do fear God. He said I am only a messenger from your Lord (to announce) to you the gift of a holy son—She said: How shall I have a son, seeing that no man has touched me and I am not unchaste?" (19:17-20)

Extramarital sex is forbidden and the Quran says:

"Nor come near to adultery. . . for it is a shameful deed and an evil road (to other evils)." (17:32)

"Those who invoke not with God any other god, nor slay such life as God has made sacred except for just cause, nor commit fornication: and any that does this (not only) meets punishment, but the penalty on the Day of Judgement will be doubled to him, and he will dwell therein in ignominy. Unless he repents, believes and works righteous deeds, for God will change the evil of such persons into good, and God is Oft-Forgiving Most-Merciful." (25:68-70)

The injunctions and forbiddings in Islam apply equally to men and women. The legal punishment for adultery is equal for men and women. Social hypocricy in many societies over history had lead to a double standard when considering sin committed by men versus sin committed by women. Society tended to be more lenient and permissive towards men . . . forgiving men for sins not forgiveable when women do them. At the root of the contemporary wave of free sex for both sexes was apparently to establish equality and remove discrimination between man and woman. Instead of calling for equal cleanliness the call was for equal dirt. Not so in Islam. . . and in a list of commendable deeds the Quran says:

"For muslim men and women,
for believing men and women. . .
for men and women who are patient and constant.

for men and women who give in charity,
for men and women who observe fasting,
FOR MEN AND WOMEN WHO GUARD THEIR CHASTITY,
and for men and women who engage much in God's praise...
for them has God prepared forgiveness and great reward."

(33:35)

Because the sex desire is usually attained before a man is financially capable of marriage, the love to God and mindfulness of Him should be sufficient motive for chastity:

"Let those who find not the wherewithal for marriage keep themselves chaste, until God gives them means out of His grace." (24:33)

The prophet's prescription to the youth was:

"Those of you who own the means should marry...for this should keep their eyes uncraving and their chastity secure. Those who don't, may practise fasting for it curbs desire." (Ibn Massoud)

Chastity is an attitude and a way of life. In Islam it is both a personal and a social value. A muslim society should not condone relations entailing or conducive to sexual license. Social patterns and practices bent on flaring up the sexual desire are frowned upon by Islam...be the means permissive ideologies, pruritic art or neglect of moral upbringing. Personal freedoms should never be taught as the freedom to challenge God's injunctions or trespass over the limits He drew.

Virginity

Whereas chastity is a multifaceted code of inner feeling and outward behaviour, virginity is an anatomical landmark signifying the integrity of the hymenal ring. Because this ring is usually torn as the male organ is introduced into the vagina for the first time (this tear being referred to as defloration), an intact hymen is expected to be the finding in females who have not had sexual intercourse, excluding of course the rare incidents of accidental traumatization of the hymen. Although virgo intacta (intact hymen) is not synonymous with chastity (which is a more comprehensive moral feature and not an isolated structural finding), it is usually an accompaniment thereof.

In the earliest days of the current libertarian social norms, more than

a century ago, the masses were indoctrinated with the teaching that the hymen could be torn by horse riding, bicycle riding or engagement in sports and gymnastics. The statement is false but because it was widely spread it became a (false) truth. More and more hymens lost their integrity but this caused no embarrasment as there was a respectable excuse. The new morality has now become so established that in some societies the embarrasment is felt by the girl with an intact hymen: and I am referring of course to the (civilized) west. Many western colleagues show great surprise when told that in communities where religion is still recognized, muslim and christian girls do not indulge in premarital sex, and the virginity at marriage remains in the region of one hundred percent, irrespective of age, education or social class.

The regard given virginity in muslim societies has an influence on the practice of gynaecology. Gynaecologists examining unmarried girls avoid vaginal examination whenever possible and usually resort to pelvic examination per rectum. Menstrual tampons are not used by the unmarried and only pads are used. Accidental injury of the hymen resulting from a fall on a sharp object are taken seriously and treated carefully. Cases of cryptomenorrhoea due to imperforate hymen (a hymen without an opening leading to penting up of menstrual blood inside the vagina) undergoing surgical treatment, do not have the hymen excised but only a small cruciate incision is made in the hymen and the ensuing corners are stitched to the outer face of the hymen. The operation aims at creating a small hymenal opening so that at marriage, when sex is consummated, there will be a fresh tear associated with defloration bleeding as befits a virgin. On occasion the gynaecologist may have to give counsel in cases where the intact hyman is too elastic and therefore stretches out without being torn at consummation of marriage and therefore the expected defloration bleed does not occur. Sometimes also the gynaecologist is consulted by court in cases where a woman applies for divorce on the premises that the husband is impotent and marriage remains unconsummated as evidenced by an intact hymen.

Sexual Ethics

Sex is the ultimate expression of love. . . and is a total physical and emotional encounter. In a brief but beautiful expression the Quran refers to this relation between husbands and wives saying:

"They are your garments and you are their garments." (2:187)

The sexual unison between husband and wife is more than seeking a relief from the urge of desire. Indeed the prophet taught that it is one of the charities in Islam. He said to his companions, enumerating examples of charitable deeds:

> "And when the one of you makes love (has sex) it is a rewardable charity."

His companions were surprised and asked him "How come the one of us answers the urge of his desire and out of this gets the reward of a charity. To which the prophet answered:

> "Don't you see that if he does the same but in a forbidden situation it would be counted against him as a sin? And so if he does it in legitimacy it is counted for him as a charity." (Muslim)

The sexual relation is a very special relation between consorts, and should be accorded the privacy it deserves. It is not befitting that either of them divulges this aspect of their life to any one. The prophet peace be upon him emphasizes this ethic in the strongest terms. He said:

> "Amongst the lowest grades of people before God on the day of judgement, is the man going to his wife (and making sex) and she going to him: then either of them divulging their common secret."
> (Abu Said)

Addressing a gathering of men and women the prophet looked to the men and said:

> "Would it be that the one of you locks his door and draws his curtains and seeks his need (sex) from his consort: and later when he goes out he talks to his friends about it?" He then turned to the women and said "Would it be that the one of you locks her door and draws her curtains and seeks her need from her consort: and later when she goes out she talks to her women friends about it?" There was an air of admitting silence. . .and a woman said "It happens. . .apostle of God." The prophet said: "Never do that. Or it would be like a male devil who encountered a female devil and copulated with her out in the middle of the road and then left her and went away."(Abu Said)

In order to maintain the bliss and pleasantness of the relation, both husband and wife should aquire the hygienic and esthetic habits that keep them

attractive to one another. It does not behove the woman only to beautify herself for her husband, but this is a reciprocal right. The prophet is reported to have rebuked a man who looked shabby and neglected to tidy his hair and clothing, stating that it was his wife's right that he looks at his best to her, as she to him. Ibn Abbas, a notable scholar of the first Islamic century, stated: "Most certainly I am keen on making myself handsome to my wife, just as I like her to beautify herself for me. . . in keeping with God's saying in the Quran that: 'Women have rights even as they have obligations in an equitable way.'" (2:228)

It is not only a woman's duty, but indeed also her privilege to look at her best in her husband's sight. Husbands away on a journey should announce their coming back rather than taking their wives by surprise, so that the wife has time to beautify herself before meeting her husband. Whenever the prophet's caravan arrived back at Madina, they would camp in the suburbs, send a messenger to announce their arrival, and go to their homes after suitable notice. One of his traditions says:

> "If you are in a journey do not enter your home all of a sudden. . . so that the tuggy haired would comb and the unprepared get ready."
> (The five except Nissa'i)

In modern times sexology has become a science by itself, and modern western societies almost congratulate themselves for at last recognizing woman's right to attain sexual satiety out of sexual intercourse. The 'right to orgasm' is amongst the latest in the inventory of rights claimed by the "Women's Lib." and other feminist movements. Fourteen centuries ago, Islam recognized that right, as evidenced by the saying of the prophet:

> "If any of you has sex with his wife let he be true to her. If he attains his pleasure before her then he shouldn't hurry her away until she also attains her pleasure." (Anas)

Standard writings in sexology over the past few decades have described the physiological human sexual response and classified it into the four phases of excitation, plateau, orgasm and resolution. Ideally these phases should coincide in both partners, otherwise there will be sexual dysharmony, often due to the man getting his orgasm while the woman is still eagerly awaiting, with inflamed desire, to also achieve her orgasm. As orgasm is followed by resolution where the male organ gets flacid and the man enters into a refractory period after his sexual desire has been satiated through orgasm, the conclusion of the act at that stage would be unfair to the woman hav-

ing been aroused but not satisfied, and that is what the prophet warns against. The man should not just turn his back and go away or go to sleep, leaving his wife frustrated. The coital exercise should proceed until she is satisfied. An effective method of correcting this form of dysharmony is to spend time enjoying their intimacy and helping themselves to one another's bodies in totality, before moving on to genital intercourse. The pleasures of sex spread themselves over a much wider area than the genital region, as manifest in kissing, embracing and caressing the body especially over the erogenous zones of the female physique. This indeed is the normal and commendable approach to sex. It adds to the mechanistic element of sex, the emotional dimension of tender love and mutual affection beautifully portrayed in the Quran as: "They are your garments, and they are yours." It also ensures that by the time the couple move on to genital introduction, the woman would have been aroused over a sufficient period of time and become so excited that she is already quite near her orgasm. In modern medical jargon this prelude is called the "foreplay"...but again long before it was dreamt in the rest of the world of such women's rights, the prophet of Islam gave the same guidance, politely referring to foreplay as the "messenger', in his saying:

"Let-not the one of you fall upon his wife like a beast (camel) falls. It is more appropriate to set a messenger afore the act"

Amongst good sexual ethics also is that the couple should be sensitive to each others needs and limitations, and ups and downs. Even a virtuous excuse like deep involvement in worship is not accepted if the man forgets or ignores his wife's rights. In such a case it is the woman's right to protest. History reports the woman who went to Umar ibn al Khattab (second caliph) consulting him: My husband fasts by day and prays all night...and I feel embarassed to complain seeing that he spends his time worshipping God. The man was summoned for a hearing. The final verdict was to have three nights for his own worship and to heed the needs of his wife during the rest of the week. Umar also asked his daughter Hafsa how long a woman should stand being away from her husband, upon which he decreed that fighting troops should be given leave to come back home every six months.

Similarly a woman should be responsive to her husband's call. Seeing that men are more prone to sexual arousal by a variety of visual stimuli as they move about all day, the prophet's advice was that the wife should always answer her husband's call:

"The right of the husband is that when he calls his wife to sex she should not deny him herself." (Tialissi)

The prophet also advised that whenever a man sees something that arouses his sexual desire, he should go and have sex with his wife.

Sex Technique

Any manoevre or position that adds to the pleasure of the sexual encounter between husband and wife is permissible and commendable. One exception is anal intercourse, which is forbidden in Islam. A man may get to his wife from her behind, provided the male organ is introduced in the vagina and not in the anus. This was clearly indicated by the Quran and the Sunna—The Quran says:

"Your wives are as a tilth unto you; so approach your tilth when and how you will..." (2:223)

The similie on this verse makes intercourse similar to agriculture, entailing putting the seed into the soil in the hope of getting the fruit; and this does not apply to anal sex.

Several prophetic traditions forbid the practice of anal sex:

"Do not visit women into their back passages"
(Ahmad, Termizi, Ibn Magah)

When the jews of Madina argued with some muslims and said that vaginal coitus approached from behind would cause the baby to have squint in his eyes, the prophet denied this and said:

"From behind or from the front as long as it is in the vagina."
(Muslim and Abu Dawood)

"Cursed he...who has sex with a woman through her back passage."
(Ahmad)

It is reported that the occasion when the verse of the Quran "Your wives are a tilth unto you, so approach your tilth how and when you will", was when Umar ibn al Khattab (prophet's companion and later second caliph) had (vaginal) sex with his wife approaching her from behind and was worried lest it be unlawful. He went to the prophet looking distressed, and asked why he was worried, he used the modest and shy expression: "Apostle of God...I changed my saddle last night". He was relieved

when the Quran and the prophet announced the permissibility of the practice. Another Quranic reference to this matter came with the injunction that intercourse is to be avoided while the woman is menstruating:

"They ask you concerning menstruation. Say it is a hurt and a pollution. So keep away from women during their periods and do not approach them until they become clean. But when they have purified themselves you may approach them in any manner, time or place ORDAINED FOR YOU BY GOD." (2:222)

In Islamic law, anal intercourse—even with the wife—is illegitimate. If legally proven, it is punishable according to the discretion of the judge. It stands as legal justification for the wife to apply for divorce if the husband is unwilling to desist.

Over the past two decades the subject of anal sex started to make its appearance in scientific medical meetings that I attended, and one couldn't miss the special furvor some medical people went into, in order to prove that it was completely harmless. Clinical series and overwhelming statistics were presented which contradicted basic knowlege, and on one occasion the researcher even proved that anal sex was safer than vaginal sex. The discussions were all within the context of homosexuality, and the proponents were all the time the same who advocated free sex, free abortion and freedom from religious "relics and taboos". Since then, I lost my trusting nature and my faith in the integrity of some researchers and at the beginning this was an agonizing feeling. As time passed, one became even more disillusioned. Until 1970 homosexuality was considered to be a disease necessitating treatment. But when the American Psychiatric Association declared that it was not a disease, homosexuality became a wave, a cult and a growing power. . . until the dream became shattered with the emergence of AIDS (aquired immune deficiency syndrome) that threatens to be the scourge of our century.

Rape

Rape is a grave sin and a major legal crime on the part of the assailant, and if legally proven it may be punishable by death. The assaulted woman, however, would not be considered a sinner, since she was overwhelmed and could not be blamed for it. The Quranic rule applies:

"If one is forced, without wilful disobedience nor transgressing due

limits, then he is guiltless, For God is Oft-Forgiving Most-Merciful."
(2:173)

In gynaecological practice the medicolegal implications of alleged rape are obvious and clinical and laboratory data should be sought with diligence. To avoid the tragedy of rape being further confounded by a possible pregnancy, a contraceptive hormone dose is usually given and if not too late it will prevent an undesired pregnancy that could not be disposed of once materialised. The incidence of the crime of rape in a society cannot be isolated from the general moral climate. . . it usually goes with license, drugs and alcohol, the impact of the media, pruritic television and cinema and even seductive women's fashion.

Circumcision Of The Female

This topic may be out of place in a book on Islamic aspects, for the practice is neither Islamic nor ordained by Islam. There is however erroneous confusion in many circles that ascribe it to Islam. The procedure long antedates Islam, and its geographical distribution is different from the map of Islamic peoples. For thousands of years it was prevalent in the Nile valley viz Egypt, the Sudan and Ethiopia, as well as in limited communities in Arabia, Russia and South America. Its exact origin in history is unknown. The reason is said to be moral, for if the external genitals are reduced this is thought to tame down sexual desire and helps girls not to succumb to their sexual desire. This is of course not so, for sexual appetite is aroused by psychological and hormonal mechanisms.

In its mild form the operation entails a trivial trimming of the margins of the labia minora. The extreme form, infibulation, entails removal of labia minora and clitoris, stitching the raw margin leaving a small opening for egress of urine and mensis and ingress of the penis at sex. This extreme form was present especially in the Sudan, and at child birth an anterior episiotomy has to be made.

Typically, the operation is performed during childhood, more often by the old village lay woman than by the doctor. It is nowadays almost gone. . . one more dying habit. Complications were rare, and included haemorrhage, sepsis, urethral injury, implantation dermoid and dyspareunea, apart from the psychological aftermath. After marriage, circumcision might result in undermining sexual pleasure by making the woman less prompt to attain orgasm.

Female circumcision was known within Judaism, Christianity and Islam. . . but none of the three religions specifically ordained or prohibited it. At the time of the prophet there was a tribe who subscribed to circumcision of their girls. The woman who used to perform it for them was called Om Rafiea. Seeing that they strongly clinged to their custom and receiving no divine guidance for its prohibition, the prophet advised Om Atiya:

> "Take the minimum Om Atiya and don't exceed it. . . for it is more pleasurable to the husband and protective of chastity (by satiating the woman's desire)." (Ibn Maja)

During a long career in gynaecology and obstetrics dealing with patients practically from all muslim countries, we find that the practice of circumcision is confined only to Egypt, the Suadn and Ethiopia. Women from other muslim, Arab and non-Arab, countries are not circumcised. Lately the operation was made illegal and it is indeed very rare in the contemporary child population.

Regarding male circumcision the ruling is different. In Islam male circumcision is a sunna (commendable but not obligatory and no sin or punishment if omitted). Patriarch Abraham ordained it and it remained through his progeny, jews (children of Isaac) and muslims (prophet Mohammad is a descendant of Ismail). The scipping of male circumcision by christians was introduced by Paul but not by Jesus Christ, who was himself circumcised.

Modern medical literature suggests a protective role of male circumcision against penile carcinoma and carcinoma of the cervix of the uterus, but persual of this matter is really beyond the scope of this book.

Worship, Rites and Sex

When is sex not permitted:

A. Menstruation

It has been mentioned that vaginal sexual intercourse is not permitted while the woman is menstruating. Physical intimacy to any other degree is allowed during menstruation. The prophet said in this respect:

> "Do everything but intercourse." (Anas)

Aisha, the prophet's wife, reported that when the prophet wanted to make love during her period, "he would order her to cover her private parts

with a dress, and he made love excluding vaginal intercourse". (all six reporters)

B. Fasting

Sex is also prohibited in the days of Ramadan while fasting. When fasting was first decreed abstinence included day and night. One day a muslim Arab went to the prophet saying: Apostle of God. . . I am doomed. Asked why? he said I had sex with my wife while fasting. The prophet advised: Do you have means to free a slave? The man said: No! The prophet said: Can you feed sixty needy people? The man said: No. The prophet went into his house and brought a basket full of dates, gave it to the man and said: Give this to the poor. The man said: I can't figure anyone poorer than our household. The prophet smiled and said: Then take it and feed it to your family. (Abu Huraira) After that, it was revealed in the Quran that sex is permissible during the night in Ramadan but not during the period of fasting from dawn to sunset:

> "Permitted to you on the night of the fasts is the approach to your wives. . . they are your garments and you are their garments. . . God knows what you used to do secretly among yourselves but He turned to you and forgave you. So now associate with them and seek what God has ordained for you. . ." (2:187)

Kissing and intimacies like hugging are permitted provided they do not lead up to orgasm. Aisha, the prophet's wife reported: The prophet, peace and prayer be upon him, used to kiss in Ramadan. . . but he had perfect control over his desire (and so avoiding orgasm). Non orgasmic secretions that ensue upon sexual excitation (in men and women) are not incompatible with fasting.

C. The Puerperium

After childbirth or miscarriage sex is postponed until the puerperium is over and the lochial discharge ceases. The maximal period of puerperium is six weeks. The woman then takes her ritual bath and can resume prayer, fasting and marital relations.

D. Hajj and Umra

As long as man or woman are in Ihram (intention at the start of hajj or umra, with special form of dress for men) sex or its physical or verbal prodramata are not permitted. Proposal to marry, as well as the marriage contract (and marriage itself) are not to be done until the rites are concluded and Ihram is over. The prophet said:

"A person in Ihram is not to marry, get married or propose to marry."
(Muslim)

E. Medical or ethical situations during which sex would be harmful or unwelcome.

The Ritual Bath: (ghusl)

After sexual intercourse a ritual bath is mandatory (for both men and women). The same applies even if intercourse did not lead to orgasm, if the penis of the man has touched the vulva. Orgasmic experiences outside sexual intercourse, including night dreams, are treated on the same footing, by both men and women. It is reported that a lady called Um-Saleem asked the prophet: Does a woman have to take a (ghusl) bath if she experiences a night dream? The prophet answered:

"Yes. If she sees the wetness (of orgasm)." (the two sheiks)

After all these sexual phenomena, the man or woman are described to be "junub" until this ritual bath is taken. It should be remembered that the same bath is due also after the cessation of menstruation and at the conclusion of the puerperium. The bath removes the status of "janabah" and enables the person to resume prayer, fasting and hajj and/or umra again. Of the rituals of Hajj, only "tawaf" necessitates "tuhr" (non-junub) as well as wodou (ablution). The other steps necessitate "tuhr" only.

The same bath, "ghusl" is also performed prior to burial of a dead muslim male or female.

The method of "ghusl" is the same for men and women, the water generously bathing all the body, except that a woman has the option not to undo her braids (or hair-do), provided the water reaches the origins of her hair. A woman asked the prophet peace be upon him: I do my hair into braids, do I have to undo them when I have "janabah"? The prophet answered:

"It is enough to pour on your head a handful of water three times then generously flood water over your body, and you have attained 'tuhr'." (Ahmad; Muslim; Termizi)

Husband and wife may share the same stock of water for their ghusl, and may do their ghusl together and from the same basin or container of water, as Aisha the prophet's wife, reported to do that with him.

The "ghusl" can do for both tuhr and wodou (ablution).

If water is not available, or its use is contraindicated by illness or other duress (for example extremely cold weather for someone who happens to have no means of warming some water), but the general rule of resorting to "tayammum" (tuhr and ablution using dry clean dust symbolically to wipe hands and face) is applied so that worship is not to be missed, until water becomes available. Prayers undertaken through tayammum need not be later repeated.

Sex Education

At the time of the prophet, muslims—men and women—were never too shy to ask the prophet about all affairs, including such private affairs as sexual life, so as to know the teachings and rulings of their religion concerning them. As Aisha, the wife of the prophet testified,

> "Blessed are the women of the Ansar (the citizens of Madina). Shyness did not stand in their way seeking knowledge about their religion."
> (All except Termizi)

The way the ladies asked the prophet—directly or through his wives—is a proof that sexual matters were not taboo but were fully acknowldged and respected. "Shyness is part of the faith" as the prophet taught, but he also taught "There is no shyness in matters of religion"...even entailing the delicate aspects of sexual life.

It is our firm belief that facts about sex should be taught to children in a way commensurate with their age as they grow up...both by the family and the school. We emphasize that this should be done within the total context of Islamic ideology and Islamic teaching, so that the youth—beside getting the correct physiologic knowledge—become fully aware on the sanctity of the sexual relation in Islam and the grave sin of blemishing such sanctity...whether under Islamic law, or—far more important—in the sight of God. Provided the Islamic conscience is developed we see no reason to shun sex education (unfortunately the rule in many muslim countries), and we believe it is better to give the correct teaching rather than leave this to chance and to incorrect sources and to the concomitant feeling of guilt by the hush-hush atmosphere in which this is done.

Teaching about sex should also have its presence in the curricula of medical schools. We have done this in our medical school as part of the

gynaecology and obstetrics program. We had no difficulty whatsoever with our religious and rather conservative men and women students, for the subject is given within an Islamic perspective.

Sex is an important area of marital life, and when people are in trouble they have only the doctor to resort to: and unless the doctor has had some basic teaching of sex, he or she will be quite helpless to help out. Sexual problems may manifest as strained family relations, psychosomatic symptoms or infertility. Medical treatment may affect sex such as some antihypertensive or antidepressant drugs. Sexual counsel is often a neglected aspect of managing such varied diseases as coronary thrombosis, diabetes, incipient heart failure etc. The role of lack of sexual education in some cases of infertility is well known. Surgery may influence sex in men and women. A carelessly repaired episiotomy, or colporrhaphy may have a devastating effect on marital happinnes. The psychological premath and after-math of the operation of hysterectomy is only too well known. On top of all of this, muslim women patients would wish to know the religious ruling on the multitude of gynaecological and obstetric situations relating to worship, and their reference is their doctor. It is therefore a religious dictate that medical education preparing doctors who will cater for the needs of muslim communities, should equip them with the knowledge necessary to answer this need.

Chapter VI

THE SEXUAL REVOLUTION

THE SEXUAL REVOLUTION

> ''Have you seen such a one as takes as his god his own vain desire? God has, knowing him (as such), left him astray, and sealed his hearing and his heart (understanding) and put a haze on his sight. Who then will guide him after God? Will you not then receive admonition? And they say: What is there but our life, we (some of us) die and we (some of us) live and nothing but time can destroy us. But of that they have no knowledge. . .they merely conjecture.'' (45:23-24)

The sexual revolution as witnessed today, started earlier than many writers report. The Time Magazine (April 9, 1984 p 76) claims that the sexual revolution had been borne in the mid sixties, the product of affluence, demographics and the pill. In a society putting a great influence on individuality, self-fulfillment converted every sexual whim into a need and hence a right. Patterns of behaviour that had been condemned over history until the near past, were nicknamed ''alternative life styles''. . .and as long as they entailed self fulfillment for those attracted to them, society had to accommodate them and they aquired legitimacy.

The origins of the sexual revolution started much earlier, and in close association with atheism and 'microtheism', a term we will shortly explain. As Destoevsky said 'without God everything is permissible'. Nor was the sexual revolution a spontaneous autonomous change as the Time simplistically figures. As we analytically follow the events; since the turn of the century until now, one can see a logic sequence leading up to the present state. The early touches of the brush of the painter meant nothing to the onlooker and gave no clue as to the final product. Every successive stroke did not mean much to the casual passer by who glimsed and went on his way. The few perhaps could make some projection as to what the colours and the lines would eventually be, but the majority never could. It is only in retrospect that they can have the story, and only if someone takes the trouble to tell them.

God always had His enemies. Most of the time they could justify for themselves their negative attitude towards him. They just missed one crucial fact: what they really confronted was not God, but someone claiming to speak on His behalf without necessarily reflecting His views. The major event in European history was the rebellion against the Church of the middle ages, a rebellion that had no difficulty in justifying its cause. After Christ the christians lived under oppression and wronging, in the fashion of a secret movement that lived, worshipped and operated underground, communicating amongst themselves with ciphers and symbols. An accident of history reversed the situation. As a young man, Constantine was leading Roman armies in battle in north Europe. When his father died, it was his right to replace him in the seven man council that ruled over Rome, but he received news that the junta were plotting to exclude him. Returning with his army to fight for his right, he came across a Christian stone bearing the figure of a fish and the words "Under this you have victory". For the good omen, he pledged to support that religion if he won the battle, which he did. Constantine became Emporer and recognized Christianity as an acknowledged religion in 319 AD. Coming overground and enjoying safety and security, Christianity, however, suffered the revival of old doctrinal divisions and witnessed bitter disputes between various sects that were thought to have been settled a long time before. The Emperor, guided mainly by political expediency, sided with one group against the other, and the creed of 'Trinity' was decreed in the Congress of Nicea in 325 AD. The following episode of history saw a tremendous expansion of the authority of the Church, to have its wings spread over-practically-all aspects of human life. The overreaction to previous years of opression entailed an upheaval of emotionalism that the Church fostered and utilized. Power is an intoxicant to which the Church was not immune. Healing the sick belonged in the realm of faith and not of medicine. Indeed medicine was branded as a godless science as it was alledged to interfere with the will of God. Father Gregory of Tours accused with heresy any patient who sought the physician's advice, and yet he prescribed a pinch of dust from the shrine of St. Martin as a cure for dysentry and licking its rails for inflammation of the tongue. The endorsement by the Church of healing by faith made the climate ready for the resort again to mystic methods of therapy such as hand-laying, the use of amulets and exorcism, and the field was fertile for charlatans to flourish to the exclusion of real doctors. Patron saints were declared as healers of organs that were traumatised during their martyrdom. St. Agatha's breasts had been amputated with huge tongs and so she was announced patron healer for women with breast

cancer. St. Erasmus was speared in the abdomen and was made faith-healer of abdominal conditions; and so on. When Servitus assumed the earlier writings of Ibn al-Nafis about the pulmonary circulation and published them under his name (long before William Harvey), he was burnt on the stake with his writings for the heresy of deviating from Galen's views one thousand years earlier, but whose teachings were protected by the Church for stating that the body was the vehicle of the Spirit, and that after death only the body perishes. The picture concerning medicine was no different from other disciplines of science, and the 'Trial of Galileo' is household knowledge.

It was the interaction with Islam that shook Europe out of the dark ages. The first word of the Quran to be revealed was "Read"...and Islam made the pursuit of knowledge a religious dictate.

"Say: Are they equal those who know and those who do not know?" (39:9)

"Soon We will show them Our signs in the (furthest) regions (of earth) and in their own selves, until it becomes manifest to them that this is the truth." (41:53)

"Those who truly fear God, amongst His servants, are those who have knowledge." (35:28)

The prophet taught:

"The pursuit of knowledge is a (religious) duty on all Muslims."

"The ink of scholars is equal to the blood of martyrs."

What we know now as 'scientific research' was referred to as "the discovery of God's tradition in His creation" and was a chapter of worship. The West encountered—in war and peace—the expanding Islamic civilization, and received its earliest lesson in academic freedom, and—as there is no clergy in Islam—that no one is to censor thought or to intercede between Man and God. The earliest schools, libraries, universities and teaching staff relied entirely on Islamic sources. Students learned Arabic to seek education, and as the Islamic era started eclipsing a huge translation movement took place, and when the printing press was invented in Holland about eighty percent of its output was knowledge translated from Arabic. That was how Europe escaped the dark ages and started the renaissance. Justice and honesty should have dictated that the current civilization be appropriately called "The Islamo-Christian Civilization".

But during the process Europe had to liberate itself from the grip of the Church. It was inevitable that knowledge would overcome ignorance and light overcome darkness. Unfortunately Europe did not only depose the Church, but also what the Church stood for: God Himself! With the progress of science and the miraculous accomplishments of science and technology, and with the fading of the image of God, the stage was set in favour of a replacive ideology: science—worship and the deitification of the human mind. Microtheism was born. . .and still engulfs most of the West. . .the minimization of the role of God. He exists. . .and may be visited at church every sunday. . .but He should never step out into our world and interfere with our personal lives, social behaviour, individual freedoms, civil rights and indeed our economic, political or military affairs. This ideology reigned and still does. . .In 1966 the Time Magazine posed the question: "Is God dead" and three years later reported: 'The new ministry: Bringing God back to life' (26 December 1969, p 40).

Whoever was planning for total chaos, took a deceptive detour around the unsuspecting masses who still clung to religious morals, and an ideology made its appearance between the two world wars under the slogan: 'Morality without religion'. The very values religion endorsed were recommended, but not necessarily through religion, seeing that the different religious affiliations were over history the causes of prejudice and conflict. The hidden intent of course was to lure the masses—through respecting their values—into accepting another arbiter than their faith. Once the authority of religion was cast aside, tampering with the values then becomes an easy matter.

Religion was dealt another blow with the rise of communism in Russia. The extensive corruption of both church and throne leading to extensive misery and bitterness in the nation, paved the way to the communist take over and the dictatorship of an ideology that denies God altogether and hence religion, and hinged human destiny to a purely materialistic approach with hardly any room for values. Atheism is the official religion: and whereas communism per se meets with resistance in the West, atheism does not. An important product thereof is the movement of secular humanism, maintaining that human values should be made by humans, without heed or need of any supernatural reference.

One tactic of fighting against God is to put disobedience of His injunctions into more and wider application. With 'mind' acting God, human suggestibility was utilized to influence it. The sphere of sex is quite attractive and seductive, for sex is perhaps the most pleasurable human

physical experience. Old values become taboo, and when Freud warned against repressed sexual desires, sexual freedom appeared scientific (Time, April 9, 1984). Other scholars, philosophers, psychologists and psychiatrists carried on the flag, and the press, media, theatre, and movie industries caught up to spread the gospel.

The vehicle of the woman's emancipation movement was made to carry an extra passenger. . . and to the call to equalise women with men in political and economic rights, was added the call to justice and equality, for since man was free to practise sex without social stigmatization, woman should enjoy the same rights. Whereas male sexing was not inhibited with the fear of an unwanted pregnancy, the search for a reliable contraceptive was spurred up, and the discovery of the pill was supported by a substantial donation from Mary Sanger. Extramarital sex became more and more socially accepted. This would have not been that tragic if the values were kept intact but merely disobeyed. What was immoral a short while before became normal—and even commendable. Worse still, that time honoured bastion of religion, the Church, cracked down as many churches succumbed to the new ideas. A report on "Sex and Virtue" produced by a committee appointed by the British Council of Churches denounced sexual exploitation, blessed sex in marriage, but rejected the idea of continence before marriage or that of strict fidelity within it. It also refused to espouse the views of the Bible on adultery, declaring it permissible in certain cases between two consenting adults as a total encounter (Time, 28 October, 1966, p 38). The report urged the provision of young girls with contraceptives and called for more relaxation in abortion legislation, which was in fact forthcoming in one year's time.

Western democracy is great. Had the early Islamic nation escaped falling into the grips of dictatorship, it would have in all probability devised the same or a very similar formula for the choice of government and the transfer of authority from hand to hand by the free will of the nation and with neither coup nor blood shed. This would have been the perfectly Islamic formula. A vital difference from western democracy, however, would be the lack of a constant yardstick in the latter. Islamic democracy would operate within Islam. Western democracy operated without a frame, and whoever can muster enough following can outvote God himself. . . as is indeed happening.

With the compromise of many churches, the place of moral leadership became vacant or even occupied by the immoral. The Church became

follower and not leader, and whatever the people wanted was automatically sanctioned by the Church.

The fruits of sexual license in the West were quite discordant with the doctrine of justice and equality that justified it in the first place. In our view, a relation between two people the sequelae of which is not equally shared by both, cannot be regarded as just. As a gynaecologist with a history of practice in the West, I am in a position to see the other side of the coin, which spells a definite exploitation, injustice and discrimination against woman. If the outcome of an affair is just to desert her she is the looser. If she gets pregnant and secures abortion she is the looser. If she ends up with a fatherless baby she is the looser and if she gives her baby away for adoption she is the looser. In the clatter and glammer of the affluent western society, it is clear to my eyes that woman is being wronged on a scale far exceeding all the just and unjust criticisms directed at the status of woman in oriental communities. She is widely propagandized as a sex object on a large scale, and completely unrelated advertisements promoting the full gamut of products from soft drinks to motor cars rarely fail to expose the female body in nude or almost.

Besides this degradation of woman and tarnishing the beauty of "love" as a sacred value, the problem of venereal disease soon came in the wake of the increasing promiscuity. The estimated number of new cases of venereal disease every year in the U.S. was reported to be (Time, February 4, 1985, p 85):

Chlamydia	3-10 million
Gonorrhoea	2 million
Venereal warts	1 million
Genital herpes	0.2-0.5 million
Syphylis	90,000

Earlier in this century, with the discovery of chemotherapy and then antibiotics, medical circles thought that the problem of venereal disease was solved once and for all. Unfortunately resistant strains of bacteria emerged, a process that followed on the preparation of every new antibiotic, so that the micro-organisms have remained one step ahead of every new therapy. The coming back of venereal disease took a new and unwelcome epidemiologic pattern. The age incidence became much lower and the sex distribution almost equal. In old days it was the single prostitute infecting her many clientel, usually middle aged men. Now that free sex was declared allright, physiological, natural and even commendable so as to avoid the

complications of repression, the patients are ordinary boys and girls and men and women in all walks of (respectable) life.

To the hurdle of venereal disease was added carcinoma of the uterine cervix, also at lower age and high incidence. It seems as if it were a new form of the disease different in aetiology and biological features from the pattern hitherto known, the mean age incidence of which is 45-55 years. The venereal nature of this form of cervical malignancy that became a teen-age problem in some Central American countries has been established, and its aetiological association with early sexual exposure and multiplicity of sexual partners has been documented.

Inspite of guaranteed widespread availability of contraceptive methods to young girls, the climate of carelessness and irresponsibility has lead to an epidemic of teen-age pregnancy: 'children having children' as Time Magazine put it (December 9, 1985, p 84), reporting the following rates of pregnancy per 1000 teenage female population:

U.S.	10 (of whom 5 are aborted)
Britain	4.5 (of whom 1.75 are aborted)
Canada	4.5 (of whom 1.8 are aborted)
France	4.5 (of whom 1.8 are aborted
Sweden	3.5 (of whom 2.1 are aborted)
Netherlands	1.5 (of whom 0.5 are aborted)

This category of pregnancy is a special hazard category associated with high perinatal and maternal mortality and morbidity. But it has its social sequelae also, for in the U.S. it is estimated that 80% of pregnant teenagers drop out of school; if they marry they face a 60% divorce rate within five years; and the repeat pregnancy rate is 40% within two years (Hardy J, Welcher D and Stanley J Clin Obstet Gynecol, 1978, 21, 1215-1232). The average age at first intercourse has been decreasing and the incidence of premarital sex has been increasing over the years, as are the abortion rate and the occurrence of gonorrhoea. Although female teenagers make up only 16% of the childbearing population in the United States, they account for one third of all abortions: 400,000 annually (Cates W Jr, J Adolesc Health Care, 1980 1:18-25). In 1978, 250,000 cases of gonorrhoea were reported in 15-19 year old teenagers in the United States, a quarter of all cases reported, and an increase of 216% over 1960 (Centers for Disease Control, STD fact sheet, ed 35, 1981). The sexual license is just a thread in a mesh. Teen-age drug abuse is rampant. For Americans 12-17 years old: 16.3 million have used cigarettes (71%) and 4.8 million are daily

smokers (21%), 21.4 million have used alcohol (93%) and 1.2 million are daily drinkers (5.5%), 13.1 million have used marijuana (57%) and 1.2 million use it daily (5.5%), 8 million have ever used stimulants (35%), and 3.7 million have ever used cocaine (16%) (Strasburger v, Paediatrics, Supplement vol 76, part 2, October 1985, p 660).

The weakened position of the family institution is both cause and effect of the sad state of affairs in the moral ecology in the U.S. Sexual gratification does not need the family any more, which until recently was one of nature's strongest devices to bring man and woman together to form a family. In an ideology of radical individualism the family ties tended to loosen as the capacity to give-and-take became shallow. The rate of divorce has been accelerating in the American society over the past two decades: 413,000 divorces in 1962, 845,000 in 1972, 1.2 million in 1981 (National Center for Health Statistics: Monthly Vital Statistics Report, vol 32 no 9, 1984). For every two marriages there is currently one divorce, and the trend is expected to continue through the next century (National Center for Health Statistics, reported in The New Haven Register, February 26, 1984, p 27). The effects on the children of divorced parents is naturally very negative (Lobowitz M L, Paediatrics vol 76, no 4, Supplement October, 1985).

In the absence of God-awareness and acceptance of His authority on people's lives, the interpretation of personal freedoms naturally stretches beyond any plausible or unplausible limit, just as malignant cells multiply and multiply unchecked by the normal growth regulating mechanisms of the healthy body. Freedom ceases to be the happy match between an individual's rights and those of other individuals or of the society at large. The reins that should have been in God's hands are taken by the most selfish, destructive and base whims and desires of a perfectly un-Godly creature, endowed with intelligence but lacking a moral compass. What follows is just a train of variable symptoms that regrettably are tackled both inefficiently and postphylactically (postphylaxis is a term we coined to refer to management of a problem after it happens, in contradistinction to the term prophylaxis ie preventive, anticipating and preventing the illness by preventing its causes). When Time Magazine shook an unsuspecting nation (April 23, 1984) with the news of a child molestation ring of teachers in a small children's school, regulations were tightened and some schools devised special courses to teach children how to recognize and combat sexual abuse (Time, November 12, 1984). It took the authorities two years to decide that two of the culprits should be refered to court for trial; the

charges being dropped gainst the others because of unsolid evidence upon the testimony of the too young victims. A radical approach entailing the revision of the life style of society and eradication of the moral pollution that engulfs it and the revival of the proper values was of course beyond the horizon.

Until the early eighties the large outcry in America was the fear of genital herpes, in view of its possibly fatal effect on the neonate of the affected mother, its intractability and its incrimination with cancer. But worse was yet to come, heralded in the summer of 1981 by the CDS (Center for Disease Control) commenting in their weekly news-letter on the unexpected occurrence in five young homosexual Los Angeles men of an unusual and often lethal type of protozoan infection of the lung (pneumocystis carinii pneumonia). Some also had an even rarer form of disseminated cancer, Kaposi's sarcoma. Reports of other serious infections and of Kaposi's sarcoma in homosexuals and in patients who had abused intravenous drugs soon followed in the same and following years, caused by a disease that suppressed the T_4 lymphocytes of the body and therefore undermined the immunologic defence of the body against infections considered minor and of no serious import under ordinary conditions. The disease was soon given its current name by the CDC: Aquired Immunodeficiency Syndrome (AIDS), in recognition of the fact that it developed in subjects previously healthy and immunologically normal. Because it proved both lethal and transmissible, it was made a notifiable disease (Relman A S, Hastings Center Report, Special Supplement, August 1985). Thus was born a new epidemic of an entirely new disease, transmissible, always fatal, medically uncontrollable, plaguing the most advanced countries, with a mortality rate of about 50% but a case fatality rate of 100% (ie the likelihood that any given patient will die of AIDS is 100%), whose number of patients is growing exponentially (doubling every 9 months) and for which any effective therapy or vaccination remains out of sight for years to come (Krim M, Hastings Institute Report, August 1985). The sure thing about this new catastrophy is that it was raised and nurtured in the cradle of homosexuality.

Homosexuality is as old as history but in a few episodes it took epidemic proportions and was a widespread social phenomenon. Perhaps the earliest of these episodes involved the people of prophet Lut, whom God sent to reform them:

> "The people of Lut rejected the apostles. Behold! Their brother Lut said to them: Will you not fear (God)? I am to you a messenger wor-

thy of trust, so fear God and obey me. No reward do I ask you for it, my reward is only from the Lord of the Worlds. Of all the creatures of the world will you approach males, and leave those whom God has created for you to be your mates? Nay: you are a people transgressing (all limits).

They said: If you desist not, O Lut, you will be assuredly cast out. He said: I do detest your doing. . . O my Lord! Deliver me and my family from such things as they do. So We delivered him and his family, all except an old woman who lingered behind. But the rest We destroyed utterly. We rained down on them a shower, and evil was the shower on those who were admonished (but heeded not). Verily in this is a sign: but most of them do not believe." (26:160-174)

"We also (sent) Lut. He said to his people: do you commit lewdness such as no people (in creation) ever committed before you? . . . for you practise your lust on men in preference to women; you are indeed a people transgressing beyond bounds. And his people gave no answer but this: Drive them out of your city. . . they are indeed people who want to be clean and pure. But We saved him and his family except his wife; she was of those who lagged behind. And we rained down on them a shower, then sea what was the end of those who indulged in the crime." (7:80-84)

"When Our messengers came to Lut, he was grieved on their account and felt powerless to protect them and he said: this is a distressful day. His people came rushing towards him and they had been long in the habit of practising abominations. He said: O my people. . . here are my daughters; they are purer for you (if you would marry). Now fear God and cover me not with shame about my guests. . . is there not amongst you a single right-minded man? They said: You well knew we have no need of your daughters, and you know quite well what we want. He said: I wish I had power to suppress you or that I could take to a powerful refuge. (The messengers) said: O Lut, we are messengers from your Lord. . . by no means shall they reach you. Now travel with your family while yet a part of the night remains, and let not any of you look back but your wife (will remain behind), to her will happen what happens to these people. Morning is their time appointed. . . is not morning soon (enough)? When Our decree issued, We turned (the city) upside down, and rained down on them brimstones hard as baked clay, spread layer on layer, marked as from your Lord,

now are they ever far from those who do wrong." (11:77-83)

More references are made in the Quran to Lut and the deplorable sin of homosexuality rampant among his contemporaries. Warning and admonition were vigilantly given by Lut, but when obstinacy was the outcome they deserved God's punishment. Islam utterly forbids homosexuality and considers it a grave sin as well as a legal crime if it fulfils the legal formal specifications. The prohet said:

> "May God curse those who commit the deed of Lut's people." And he repeated this three times. (Nissa'i)

There is complete consensus of the various juristic schools that homosexuality is both sin and crime, although they had various views on the prescribed punishment, ranging from capital punishment to other punishments the court may seem suitable.

Lesbianism, that is sexual intercourse between woman and woman, is also prohibited in Islam, as evidenced by the saying of the prophet:

> "Let man not look at the awra of man. . .nor woman at the awra of woman. And let man not 'approach' man under one cover, nor woman approach woman under one cover."
> (Ahmad—Muslim—Abu Dawood—Termizi)

'To approach under one cover' is a linguistic reference to sex. All juridicial schools are unanimous that lesbianism is both sin and legal crime (if legal specifications hold), but the punishment is left to the judgement of the legislature.

Homosexuality, ever existing, has not become that horrendous wave except recently. It was only a personal affliction to hush-hush and shy about. It was considered an illness to be treated, until in 1971 the American Psychiatric Association declared it was no more an illness. Socially it was considered an inherent orientation, legally it became one of the personal freedoms, and religiously; the church wanted to prove that there was a place in the church for every one including homosexuals. The word homosexual was changed to 'gay'. . .hoping a nice name would make homosexuality nice. There are four gay churches in Los Angeles. And look at what a member of the clergy, Pastor Jim Lowder of the Dolores Street Baptist Church at San Francisco, said in defence of gays and lesbians: "My feeling is, scripture does not condemn all homosexual relationships. Jesus doesn't even address the issue of sexuality. . ." Lowder appeared on a San Francisco television show in November 1985 and said

that he believes the Bible affirms relationships that are faithful, loving, life-enhancing and caring, even if they are gay (Star News, Saturday April 26, 1986 page 7, Pasadena, California). The gay became a cult, a political movement and a power. When the mayor of a city was murdered, and he was a homosexual, there were gay demonstrations demanding that the replacement should also be homosexual. The 'gay rights' has become a political slogan, and as a recognized minority they were always greedy for more rights and more power. During an election campaign, when one of the candidates—it must have taken him great courage—declared in a speech that the gays should straighten, the radio-commentator simply commented: 'he has burnt his chances'.

And now America faces the scourge of AIDS. The people know that 500,000 to one million Americans have been infected with the HTLV-III virus (up to mid 1985) and may develop AIDS. They know that AIDS cases are doubling every nine months, that no one has ever been cured of AIDS and that no cancer kills as surely and as rapidly as AIDS, and that transmission of the disease, originally by sexual intercourse, is possible through body fluids including blood, semen, tears and saliva, all of which were shown to contain HTLV III, as announced by the CDC (Medical Laboratory Observer, November 1985). This turned a lot of people against homosexuals, on several occasions they beat them and shouted at them: "You will kill us all" (Gay bashing: AIDS fear cited as attacks on male homosexuals grow—Los Angeles Times, April 10, 1986). And yet the homosexual lobby focus only on their rights—indeed wrongs—and ignore all the rights of the innocent majority who want to stay away from the spreading fire. Attempts at screening by blood testing are protested on grounds of discrimination and stigmatization. AIDS victims are sometimes portrayed in the media as heroes when they are ill and as martyrs when they die. Effective public health principles applicable to all contageous diseases including isolation and quarantine when necessary are played down as taboo. "The doctor should not moralize" is at the hub of American medicine and western medicine generally, even if this "moralizing" was the very essence of practising preventive medicine. Doctors may moralize against smoking, liquor, saccharine, cholesterol, obesity and what not. . . but when it comes to sexual license the matter becomes different irrespective of the sequelae. In dismay and disquiet, the scientist writer William Checks asks: "Where are the public health officials who should be taking aggressive action to maintain a correct perception of this disease's spread? And how long can this one sided presentation persist before people begin to think

of AIDS as a lethal version of the flue?'' (Hasting's Center Report, August, 1985). As we write this, we are told that 25 percent of hospital admissions in San Francisco are AIDS patients. . . occupying beds without a hope of cure.

The writer is worried lest the reader may think that we have something against America. . .for this chapter may look as if it alludes only to America. We assure the reader that this is not the case, although America is the leading example. Besides, this whole book was written during my sabbatical leave that I spent in Los Angeles, California, during which my eyesight naturally fell on the American scene.

Contrary to what the reader might conclude, I honestly declare that there is much in America that is admirable. Some aspects of American life are more concordant with my Islamic concepts than is the case with many other countries; some of them Muslim. History tells us that it takes more than plentiful affluence and sophisticated technology to maintain a civilization, and it is pitiful to see the current civilization, at its epic, incubating in its body the germs of its own destruction. Besides, America plays a role of leadership over much of the world in various spheres, and whatever happens in America might reflect in a positive or a negative way, on other communities on our ever shrinking globe. It is no wonder therefore that one cannot feel detached or neutral over the goings-on in America, although some of these goings-on did cause my back to quiver. It was a surprise to get to know that 25% of children have a biological father different to their supposed-legal-father. It was painful to read that every sixth girl is subject to an incestuous relation at some time in her life (Diana Russel: The Incest Legacy, The Sciences—publ. The New York Academy of Sciences, March/April 1986, p 39) and of the dimensions of the problem of rape. Listening to the radio one evening I hit accross a programme on sex run by a lady doctor (a jewess of Rumanian ethnicity), who would receive questions live on the phone and offer immediate counseling. On the line was a wife married for one year. Before marriage she had lived with a man for three years, who apparently was much more an expert in sex techniques than her husband, so that she was missing those pleasures that her husband was seemingly ignorant about. The doctor advised her to buy some illustrated sex books that she would look up with her husband and suggest they try this and that etc. A homosexual complained that his lover, a fairly elderly man, was both jealous as well as lacking in the power of erection. The doctor reassured him that this was quite within normal for elderly men, and advised him to help his lover perhaps with

a bit of manual stimulation, which the gay confirmed gave his lover great delight. On a television show once appeared a lesbian and two homosexual men who decided in trinity to have a baby. She slept with both men in succession, so that the real father of the baby would remain unknown. The baby came and they were very proud about it and the audience gave a lot of applause. When one person among the audience expressed disapproval and defended the rights of the baby of legitimacy and knowledge of his father who should be responsible for raising him, it was as though the critic was sick of mind or just spoke another language. These are just samples. But I will never forget the woman who was reporting her obstetric history innumerating her children one by one, and commented on the penultimate baby: but that is not from my husband; it was from my boy friend. What surprised me was that the husband was calmly attending and listening.

This is the information passively aquired by a person like myself. . . living on the conservative fringe of life. But more is sure there for someone who cares to seek.

The following story was told by a teacher of mine some forty years ago, and seems to make an appropriate conclusion of this chapter.

Once upon a time there was a little village located at the top of a mountain. When the children played, they accidentally fell down and died. One elder suggested they should build a hospital at the foot of the mountain to immediately receive the casualties. Another suggested that the hospital should be built half way down, and perhaps the fallen children could then be caught before they hit the bottom. But it was the wise and sane who pointed out that the effective approach was to build a fence around the village to prevent the children from falling in the first instance.

Prevention is better than cure, and problems should be solved by preventing their cause. A good lesson for the world. . . and for America in particular: whether she is combating AIDS or combating terrorism.

> "Never did sin spread in a people and they flagrantly perpetuated it even more, but God inflicted them with illnesses that were unknown to their ancestors."
>
> The Prophet
> (Ibn Maja)

Chapter VII

THE REPRODUCTIVE REVOLUTION

Alternative Reproduction

THE REPRODUCTIVE REVOLUTION

(Alternative Reproduction)

Just as the smallest part of water is made of neither hydrogen nor oxygen alone but of both in chemical combination, the unit of humanity is not man alone or woman alone but of both together in unison. . .hence the unit of humanity is the family. As God decreed, the family institution should be a stable structure, for it is the fulfilment of the two halves of humanity seeking one another, as well as the vessel in which the future generation is conceived, carried, born and raised. The pairing off of a man and a woman is not a chancy or a haphazard relation of touch and run or of unscrupulous change of partners. In Islam, as it is in all God sent religions, this pairing off is a serious event that has to be documented and protected by what in Islamic law is called the tie of marriage or the marriage contract with all its legal consequences of mutual rights and responsibilities of husband and wife vis a vis one another and vis a vis their progeny. It is under the protective umbrella of the marriage contract that the children should be born, for in Islam the right to legitimacy is a basic right and every person has the right to be the legitimate child of their parents. Violation of this closely knit arrangement can run amock with human society. . .and following upon the example we quoted of hydrogen and oxygen in chemical combination to form water, one sometimes wonders what would happen if this chemical tie were broken and hydrogen and oxygen in all the water in the world broke loose, the one being very imflamable and the other helping combustion. We have already emphasized the sanctity of the marriage tie, the betrayal of which is tantamount in Islamic law and moral code to high treason.

As previously pointed out, marriage has a dual function: the first is the unison between two halves to make one unit, with all the pleasures and blessings of this physical and spiritual unison. The second is procreation.

In actual life the two functions are inseparable for the one is the product of the other. As a matter of fact God has confined both functions to within the institution of marriage. On the one hand God says in the Quran:

"Nor come near to adultery..." (17:32)

And on the other the Quran says:

"And out of your *consorts* He created children and grand children for you, and provided for you out of his bounty. Will they then believe in vain things and be ungrateful to God's favours?"(16:72)

This implies that the children's source has to be the consorts, in the Arabic language unequivocally meaning husband and wife.

Infertility

Unfortunately some marriages are barren. Some cases of infertility do respond to medical treatment, while others are not, and remain infertile...all in accordance with God's plan:

"To God belongs the dominion of heavens and earth. He creates what He wills. He bestows females upon whom He wills and bestows the males upon whom He wills. Or He couples them in males and females and He leaves barren whom He wills. For He is All-Knowledgeable All-Powerful." (42:49-50)

To have a progeny is a great blessing from God. The pursual of a remedy for infertility is therefore quite legitimate and should not be considered as rebellion against the fate decreed by God. Prophets of God who were childless encessantly asked their Lord to give them children, and the Quran tells us time and again about the keen prayers of Abraham and of Zakariya in this respect.

"This is a recital of the mercy of your Lord to His servant Zakariya. Behold! He cried to his Lord in secret praying: O my Lord...infirm indeed are my bones and the hair of my head does glisten with whiteness...but never am I unblest, my Lord, in my prayer to you. Now I fear what my relatives (and colleagues) (will do) after me: But my wife is barren...so give me an heir as from yourself. (One that) will (truly) represent me and represent the posterity of Jacob...and make him, my Lord, one with whom You are pleased...(His prayer

was answered). O, Zakariya. . . We give you good news of a son: His name shall be Yahia. On none by that name have We conferred distinction before." (19:2-7)

In another verse the Quran makes another reference to Zakariya:

"And (remember) Zakariya, when he cried to his Lord: O, my Lord! Leave me not without offspring. . .though You are the best of inheritors. So We listened to him, and We granted him Yahya. We cured his wife's (barrenness) for him. These (three) were ever quick in emulation in good works. They used to call on Us with love and reverance, and humble themselves before Us." (21:89-90)

Sarrah, the wife of Abraham, remained barren for a long time during which she convinced her husband to take Hagar who begot Ismail for him. When she was well into old age she was rewarded. The angels visiting them brought her in advance the happy news of she begetting Isaac. . . and she was thrilled for the surprise:

"(When his angel guests did not eat), he (Abraham) conceived a fear of them. They said: fear not. And they gave him glad tidings of a son endowed with knowledge. But his wife came forward (laughing) aloud: she smote her forehead and said: a barren old woman! They said: Even though, has your Lord spoken and He is full of wisdom and knowledge." (51:28-39)

If it is legitimate to yearn for something and ask God for it, it is without doubt as legitimate to pursue every legitimate means that might fulfil it.

Attempts to cure infertility are therefore not only permissible, but are even a duty so that a couple may contribute to the preservation of the race and supplying society with useful human elements to take their place in the future generation. But the treatment of infertility should by no means trespass outside legitimacy as ordained by God. Modern times, however, have witnessed a progressive degree of Godlessness and heedlessness of his prescribed ways. Large segments of humanity have prescribed to atheism, and those who acknowledge God deny him being in control of their lives. In our age of scientific growth and spiritual atrophy, science is inclined to be self-worshiping and scientists wish to send whatever can be done into the arena of widespread application, without scrutiny or heed to the far-reaching moral and spiritual consequences. Amongst the sequelae is a real threat to the very existence of the family institution. . . since it has become possible to remove sex out of marriage and to remove reproduc-

tion out of marriage. Modern reproductive techniques have been devised, and as far as they solve the problem of many barren marriages they have to be praised and saluted, but the expansion of their application put them in conflict with Islamic principles in some situations as we hope to point out in this review.

Artificial Insemination

A. Artificial Insemination using Husband's Semen (AIH).

If the husband does not have living spermatozoa in his semen this approach is obviously hopeless. But when the husband has normal spermatozoa but for some reason is not able to deposit them inside the genital tract of the wife, artificial insemination might solve the problem. It may also be that the seminal ejaculate lacks the proper concentration of live sperm, so that it becomes necessary to repeatedly collect the first wave of every ejaculate which is the richest in sperms, and prepare a satisfactory concentrate to be used. This can be kept in cold storage, to be drawn from at the time of ovulation each cycle and deposited by the doctor inside the genital tract until hopefully a pregnancy results. From the Islamic point of view, this procedure is acceptable as long as it remains between husband and wife, provided—however—that it is carried out during the span of their marriage. Its acceptability is based on the fact that the mating takes place within an authentic marriage contract, the sperm would—hopefully—fuse with the ovum under same, and the pregnancy (and baby) is ensured the right of legitimacy with its subsequent legal rights: all in truth and without falsification. That the procedure is only permitted within the span of marriage, is due to the fact that the marriage contract is broken by death or by divorce. As a matter of fact the woman under such circumstances has the right to become another man's wife. The famous French court case is an illustrative example.The husband died but he had already deposited semen preserved in cold storage in a semen bank. The widowed wife, for sentimental reasons, requested to be availed of artificial insemination by her deceased husband's semen. The semen bank refrained from answering her request, and she had to go to court. The court ruled in her favour and she was inseminated by her late husband's semen (insemination, however, failed to produce a pregnancy). Such a court ruling would be unacceptable by Islam. . . for both insemination and potential pregnancy are not within the boundaries of a valid marriage contract. A conceiv-

ed baby would thus have been denied its basic right of legitimacy.

B. Artificial Insemination by a Donor's Semen (AID)

In this situation the husband is in fact infertile and does not possess semen of his own that is ever capable of producing a pregnancy, as in men whose semen contains no spermatozoa and there is no known treatment that can correct their defect. Resort is then made to semen given by a fertile donor. A 'semen bank' carries out the function of obtaining seminal ejaculates from healthy fertile donors, and preserving them at a very low temperature (cryopreservation). The donors are medically checked to exclude diseases communicable by semen (lately AIDS—aquired immuno deficiency syndrome—has been added to the check list). The donors and recipients remain unknown to each other and written consent is taken from the recipient and her husband. Although the procedure can put an end to the problem of the fertile wife of an infertile husband, it stands unacceptable to Islam. From the point of view of jurisprudence, Islamic law would not consider this practice as adultery since it lacks the legal specifications (the crime of adultery legally materialises if four unblemished witnesses testify to have witnessed the complete act of coitus entailing introduction of penis into vagina), but morally it is considered nearly as sinful, and is legally punishable but not with the punishment of adultery. The child is not the fruit of the marriage contract and therefore robbed of its right to legitimacy. The woman and her husband are agreable, it is true. . . but the right of the child to legitimacy is not theirs to pamper with. The procedure also entails the lie of registering the baby as the son or daughter of a man who is not the real father. It leads to confusion of lines of genealogy whose purity is so dear to Islam. It lies to the child about, and denies him or her, the knowledge of their real father. It absolves the real father of being responsible for his own "flesh and blood". It enhances the chances of inadvertent brother-sister marriages in a community. It violates the Islamic legal system of inheritance. And on top of that, it would play havoc with the science of population genetics trying to deduce modes of inheritance by analysing family pedigrees.

An interesting development of the AID technology is the current ethical debate concerning the right of the unmarried woman to procure a pregnancy by artificial insemination. The new 'morality' has played an effective role in social acceptability and accomodation of 'uniparent families' as they are called. At the beginning it was perhaps an act of compassion towards the poor little girl who finds herself stuck with a baby whose father is either unidentifiable or unwilling to bear responsibility for his tilth or his

crop. It was perhaps a little beyond the limits of imagination that 'uni-parentage'' should be sought per se, for its own sake. One would wonder if it meant any substantial difference for the unmarried female seeking artificial insemination whether to get it by artificial or perhaps more easily by natural insemination. In any case the procedure is not Islamically acceptable for much of the reasons already given.

In-vitro Fertilization

This is the technique used if there is a mechanical obstruction preventing access of sperm to the ovum, usually in the form of block of both falopian tubes that could not be corrected by surgery. At the time of ovulation (natural or hormonally induced), ova are aspirated from their little follicles in the ovary, either under direct vision through the laparoscope or under ultrasound screening; in the latter case the aspirating needle may approach the ovary through the abdominal wall, the bladder wall or the vaginal wall, depending on how best to reach the ovary and avoid adhesions or other pathology. The ova are subjected to husband's sperm in vitro in the hope that one or more will be fertilized. If this occurs, the fertilized ovum is maintained in special medium to proceed to divide, and at the four or eight cell stage, seen under the microscope, this early embryo is aspirated and pumped into the uterus of the woman through the natural route. Up to three or four embryos may be so deposited at a time if available, hoping that one or more will be successful in clinging to, then implanting into, the lining membrane of the uterus, and proceeding to grow like any natural pregnancy. Since Steptoe and Edwards hit the news in 1978 when Louise Browne was born as the first ''test tube!'' baby, several thousand babies have been conceived and born using the same technique and the number of involved centers is ever increasing.

There is no doubt that this technique is a breakthrough in the management of infertility and is to be praised for the joy and happiness it brought to thousands of households, and for the existance of the many boys and girls who would otherwise have never been. The follow up so far has not shown any harmful effects on the children or increase of the congenital abnormality rate above that of the general population. The sex-ratio is also the same as for the general population (although the technique entails an opportunity for sex selection).

The Islamic ruling on in-vitro fertilization is no exception to its rulings

on mating and reproduction in general, that have been already referred to. The procedure is Islamically acceptable and commendable but only if it solely involves husband and wife and if it is performed during the span of their marriage. The fusion of sperm and ovum (a step further of the sexual intercourse between man and woman) should take place only within the marriage contract. If the woman becomes widowed or divorced then the marriage contract has come to a conclusion, and stored semen of the husband would be alien to her.

The triangle formed by 'father-mother-child' should only be three sided, without interjection of other parties. Equivalent to the donation of alien semen is the donation of alien ovum. . .again because a pregnancy would result from two parties (the contributors of sperm and ovum) not bound by a marriage contract.

Surrogacy

One form of a surrogate mother is the woman solicited by a married couple to be impregnated by the husband's semen, in case the wife cannot get pregnant. The surrogate mother will carry the baby through the antenatal period, and after birth hands the baby over to the soliciting couple. In this case the baby will be the child of the husband and the surrogate mother, but biologically alien to the wife.

The other form of surrogacy is resorted to if husband and wife can provide sperm and ovum, but for some reason the wife cannot (or does not want to?!!) carry the pregnancy, as in cases of absent or defective uterus (or may be at some future development cannot afford to be encumbered by a pregnancy interferring with her career or affecting the beauty of her physique?!). In such a case in-vitro fertilization is carried out using husband's sperm and wife's ovum, but the resulting embryo is deposited into the uterus of the surrogate mother, and after birth she is to hand the baby over to the soliciting couple.

As surrogacy became praticable, Steptoe and Edwards had to modify their terminology, using the term 'embryo replacement' instead of 'embryo transfer'. . .the new term signifying that the embryo is in fact replaced into its real mother, whereas ''transfer'' more appropriately befits the new procedure of lodging the embryo into an alien woman.

The existance of the need created a market for surrogacy, and the existance of a market further augments the need. Agencies for surrogacy

sprang up one after another, operating on purely business grounds. Investment in motherhood apparently became a prosperous business, the agency mediating between infertile couples and women prepared to lease their uterus for the duration of pregnancy in lieu of the expenses of antenatal care and a total fee at the end. The details of the transaction were prepared by legal experts, the medical procedures were carried out by highly qualified medical personnel and the laws of the land had nothing against the new activity for legislation usually lags behind emerging developments.

In the brief history of surrogacy interesting incidents have been reported. There were occasions when the surrogate mother aquired a deep feeling towards the fetus during the course of pregnancy, and by the time of birth a feto maternal bond had been already established and she would not give away the child whom she conceived, carried, delivered and is now ready to suckle.

The opposite situation is reported when the neonate was found to have a congenital abnormality. This time it was the surrogate who was keen to enforce the signed contract and obligate the soliciting couple to take the baby. The soliciting couple would refuse, and accuse the surrogate of having sex with another man achieving the pregnancy, and that the new born baby was not their own embryo that had been lodged into her but failed to implant.

One woman carried the embryo of her sister, and literature on medical ethics exhibited debates on who is mother and who is aunt. On another occasion an ovum was taken from a daughter, fertilized by her step father's sperm, carried by a surrogate, and the born child was taken by her mother and step father.

In the majority of cases, however, the pattern is that a married couple would hire a woman to carry their embryo, and at birth give it back, usually in lieu of a pre-agreed fee.

For the first time in human history the human female accepts to get pregnant with the prior meditated intention of giving away her child. And since this is usually done for money, "motherhood" for the first time in human history is being reduced from a "value" to a price. If this practice becomes widespread, the effects on the cohesion of successive generations might prove devastating, causing the already felt generation gap to become an unbridgeable rift of indifference and even animosity. If social norms are ever to accomodate the status of children as "commodities", subject to "buy-sell" rules, other values than parenthood will certainly dwindle, leaving little room to time-honoured values as positive emotion, love, family

ties, mutual compassion and tender loving care within the family unit.

Surrogacy is not acceptable to Islam, again on the premises that pregnancy should be a fruit on the tree of a legitimate marriage. In the symposium on "Reproduction in the Light of Islam" (Islamic Organization of Medical Sciences, Kuwait, 24-27 May, 1983), attended by medical and juridicial muslim scholars, the technology of in-vitro fertilization and embryo replacement (into genetic mother) or transfer (into surrogate mother) was discussed at length. The consensus was the acceptability of the technique within a family structure of husband and wife, during the span of their marriage, and without the intrusion of another party, be it sperm, ovum, embryo or uterus.

Although considered to be illegitimate pregnancy, the question of surrogacy opens another front of debate, as to who should be considered the mother of the child: the one who gave the ovum or the one who carried the baby through pregnancy and gave birth to it. In other words who has the legitimate claim on the crop: the farmer or the seed merchant. On the one hand a woman gave the genetic material, whereas the other received a few cells that weighed a fraction of a particle of dust and recruited her body systems for its nourishment and growth over nine months of biological and psychological interaction until born some seven pounds in weight: out of her own body.

The separation of the "womb" relation from the "ovary" relationship is a new event, and because old jurists did not address this question contemporary jurists have to. The Quran gives clear guidance that we will quote, but let us first make some linguistic remarks.

In the Arabic language the terminology of "parents" is derived from "natality". The verb "walada" means to give birth to... "father" is "walid" and "mother" is "walida", the feminine form. Both parents are "walidan or walidayn", the form for two persons. Both "walid" and "walida" would mean the person who gave (or produced) the birth of a person. Although God knows that we are related to both the ovary and the womb of our mother, the reference in the Quran is always made to the womb relation, and it was repeatedly stated in the Quran that our mothers are those (women) who gave birth to us:

"None can be their mothers except those who gave them birth."
(58:2)

"And we have enjoined on man (to be good) to his parents (his walidayn), in travail upon travail did his mother bear him and in years

twain was his weaning. . .(hear the command): Show gratitude to me and to your parents (your walidayn). To Me is your final goal.'' (31:14)

''We have enjoind on man kindness to his parents (walidayn). . .in pain did his mother bear him and in pain did she give him birth...'' (46:15)

''The mothers (walidat) shall give suck to their offspring. . .'' (2:233)

By terminology and by description the mother is the one who gives birth. If we consider an imaginary case of bigamy (a husband married to two wives), an ovum being taken from one wife, fertilized with husband's sperm, and carried-till-birth in the womb of the second wife: the procedure is also condemned because it entails the carrying in pregnancy of an alien seed, which is outside the marriage contract binding the husband and his second wife. At any rate, the child will belong to the woman who carried it and gave it birth.

The Womb Relation:

The word 'womb' or 'uterus' in the Arabic language is 'rahim' (plural is 'arham'). In Arabic, 'rahim' refers to the anatomical organ inside the pelvis, but it also refers to a 'value' based on blood relatives and the tie of compassion that binds them. Of the same derivation is 'rahma' which means compassion, and amongst the names of God are ''Rahman'' and ''Raheem'' meaning ''The Compassionate; The Merciful''.

''And those related by 'arham' (kindred by blood) have prior rights against each other in the Book of God. . .'' (8:75)

''O mankind! Reverence your Lord who created you from a single person, and created—of like nature—his mate, and from them twain scattered (like seeds) countless men and women. Reverence God, through Whom you demand (mutual) rights. And (reverence) the 'arham' (wombs) (that bore you): for God ever watches over you''. (4:1)

''Then, is it to be expected of you if you were put in authority, that you may do mischief in the land and tear (the ties) of your 'arham' (wombs)?'' (47:22)

The 'rahim' (womb) is a value and a link to be heeded and respected.

As the prophet said:

"The 'rahim' (womb) is suspended from the throne of God, saying: He who heeds me will be heeded by God. . .and he who cuts me off will be cut off by God". (the two sheikhs)

Adoption

To take a child that lacks parentage and raise it up like a son or daughter catering for their physical, educative and spiritual needs is a great charity in Islam. The prophet himself was orphaned while a child, and was raised by his grandfather Abdul Muttalib and then by his uncle Abu Talib.

The way of adoption as practised in the West, however, is not the Islamic way. It usually entails the lie of registering the child as your own, and such lie is not permitted, whether given to the child or finding its way to official documents.

In pre-Islamic days, the Arabs used to practise adoption the same way as the contemporary West. They gave their name to the adopted child. When the adoptive father died the adopted child inherited like a real child. When the adopted son got married, his wife was considered daughter in law, and if divorced she was forbidden to his father to marry.

The prophet himself had an adopted son called Zayd. His father was called Haritha, but because of the adoption he was called Zayd ibn (son of) Mohammad. Zayd had been a slave but the prophet saw to his freedom. He lived in the prophet's household and loved the prophet so much that when his father Haritha, wanted to take him, he chose to stay in the company of the prophet, so the prophet adopted him. Out of love and appreciation, the prophet saw to his marriage to Zainab bint Jahsh, the prophet's own cousin.

Later on, this form of adoption became forbidden. Quranic revelation carried the new legislation:

"God has not made for any man two hearts in his (one) body. Nor has He made your wives whom you divorce by Zihar, your mothers. Nor has He made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But God tells the truth and He shows the (right) way. Name them after their fathers: that is juster in the sight of God. But if you don't know their fathers' names, (call them) your brothers in faith and your maulas. . ." (33:4-5)

The Quran referred to Mohammad in person concerning this issue:

"Mohammad is not the father of any of your men, but (he is) the apostle of God and the seal of the prophets, and God has full knowledge of all things." (33:40)

From that time on Zayd was again called Zayd ibn Haritha and not ibn Mohammad. It so happened that Zayd and Zainab did not turn out to be a happy family. The prophet felt sad for to him Zayd was like a son, and the idea of the marriage was his. Repeatedly he would tell the impatient Zayd to keep his wife and not divorce her. But God had other plans, for He wanted to reinforce the cancellation of that form of adoption by making Mohammad marry Zainab after her divorce, so that other adopting fathers would not be embarrassed if they wanted to marry the divorcee of their adopted son, making Mohammad the first example thereof; and He let Mohammad know it:

"It is not fitting for a believer, man or woman, when a matter has been decided by God and His apostle, to have any option about their decision. If any one disobeys God and His apostle, he is indeed on a clearly wrong path. Behold! You (Mohammad) do say to the one who received the grace of God and your favour: retain your wife (in wedlock) and fear God. You do hide in your heart that which God is about to make manifest. You did fear people but it is more fitting that you should fear God. Then when Zayd has dissolved (his marriage) with her, with the necessary formality, We joined her in marriage to you, in order that (in future) there may be no difficulty to the believers in (the matter of) marriage with the wives of their adopted sons when the latter have dissolved with the necessary (formality) (their marriage) with them. And God's command must be fulfilled."

(33:36-37)

Some orientalists who are adversive to Islam tried to exploit the event in a slanderous way trying to accuse the prophet—peace and prayer be upon him—of being behind the divorce as he had been behind the marriage, because he wanted to marry Zainab. Any one who studied the character of the prophet is well sure that such allegations cannot be true. Besides, Zainab was his cousin, he knew her well, and he could have had married her in the first instance had it been his wish.

The new legislation did not in the least undermine the relation between adopted son and parent. The inheritance laws apply and only the legitimate blood relations inherit, but Islam permits the muslim to give out of his

legacy to whom or whatever he wishes, within a ceiling of one third of his possessions. It is up to the adoptive parents then to relegate what they see fit to the adoptee within that limit.

As the adopted child grows up, the women in the household including mother and daughters should follow the Islamic code of social conduct regarding dress and intimacy. Unless he was breast fed by the mother (lactation fosterage), he can marry one of the daughters.

The links of love and appreciation between Mohammad and Zayd remained as close as they ever had been. Mohammad chose Zayd's son to lead an army but Mohammad died before. Aisha, the prophet's wife, once said: had Zayd been alive, the prophet would probably have selected him as his successor as caliph.

Chapter VIII
MARRIAGE

MARRIAGE

Marriage is the institution through which a man and a woman pair off and legitimately unite to form one unit of humanity. It is a root which branches off into the known blood relations such as maternity, paternity and fraternity and their ever widening circles of blood relatives. . . referred to in Islam as the 'relations of the womb'.

Marriage is mandatory in Islam for whoever can afford it. Commenting on a group of people who wanted to devote all their time for worship and thought they had no time for marriage and the duties it would impose on them, the prophet peace be upon him said:

> "Marriage is my tradition. He who rejects my tradition is not of me."
> (Bukhari; Muslim)

Indeed marriage has been described as half of the religion. The prophet said:

> "Whomever God has bestowed—upon the blessing of the good wife, then God secured for him one half of his religion. So let him heed God in the other half." (Tabarani; Hakim)

> "The best blessing the believer reaps after piety of God is a pious wife." (Ibn-Maga)

The Quran points out to the prophet that marriage was the tradition that God prescribed to previous messengers:

> "We did send apostles before you and appointed for them wives and children. . ." (13:38)

There are two main functions of marriage in Islam. . . explicitly pointed out in the following two verses, and at the risk of repetition, we emphasize that Islam insists that marriage is the only legitimate venue for subserving these two functions. The first function is the unison between the two halves

yearning to one another and attracted spiritually by the free choice of one another and physically by the call of the sexual drive seeking its legitimate expression. God considers this as one of His signs:

> "Amongst His signs is that He created consorts for you from amongst yourselves, so that you may find tranquility with them, and (He) set love and compassion between you. Verily in this are signs for people who reflect." (30:21)

The second function is a corollary of the first and emanates from it. It is the preservation of the species by procreation:

> "And God has created for you consorts from amongst yourselves, and out of your consorts He created children and grand children for you, and provided you out of His bounty. . . will they then believe in vain things and be ungrateful to God's favours?" (16:72)

Both functions are essential, and a marriage contracted with the pre-set condition of 'no sex' or 'no pregnancy' is Islamically blemished, as we explained before.

The Suitable Match

Islam has provided a set of guidelines that help in causing marriage to be stable, enjoyable and happy. Various attractions may motivate people in their choice, and perhaps blind them to consequences that could not be difficult to anticipate. A nice looking person may not prove to be the suitable companion in this life long journey of marriage. Similarly wealth may be luring but is certainly no guarantee of happiness.

A sound advice given by the prophet peace be upon him is:

> "Don't marry women for their beauty for their beauty might turn out to be destructive to them. Or for their wealth for this might make them arrogant. But marry them for their steadfastness in religion." (Ibn Hameed)

> "A woman is married for (either of) four reasons: her wealth, social class, beautiful looks and religion. Make sure you win the one with (the attribute of) religion. . . or else your hands would be dust covered out of poverty." (Bukhari; Muslim)

Yet it is a fact of life that people make their choices in accordance with their own moral structure. As birds of one feather flock together, the system of priorities will be different in different people, the virtuous person will seek a virtuous partner, whereas the sensuous or the materialist will seek otherwise:

"Women impure are for men impure, and men impure for women impure. And women of purity are for men of purity, and men of purity are for women of purity: these are not affected by what people say; for them there is forgiveness and honorable provision." (24:26)

Among the good features of the successful wife is her amicable nature, and also that she would be capable of begetting children. The prophet's guidance in this respect is:

"I recommend to you the pleasant of nature who is capable of begetting children for you...for I will pride myself with you amongst the nations at the day of reckoning." (Abu Dawood; Al-Nissa'i)

A consideration of the spouse's background and the environment in which she was raised as a child is also important. One of the companions of the prophet commented when a friend recommended a certain woman to him to marry her: I would like to see how my children from her would be. When asked how, he answered: I should know about her home conditions and how her parents treated one another. Groups of people do subscribe to certain values, and it is more reassuring to know that the person was brought up in a family or community where morals have been valued over the generations. The influence of the family pedigree on the passing over of certain traits is true, both at the physical and behavioural levels, for pedigrees have more genes in common, and the genes are the cipher of inheritance of many physical and psychological patterns. In this respect, one of the prophet's sayings is very relevant.:

"Be choosy for your nutfas (whom to marry), for traits do penetrate (along generations)." (Al-Bukhari)

The two parties of the proposed marriage should also be esthetically acceptable to one another. Matched marriages still practised in some quarters where the decision is taken while the two parties do not know each other, do not comply with the regulations of Islam. When one of the companions told the prophet that he proposed to a woman, the prophet asked if he had seen her. The man answered no...so the prophet

ordered him to go and have a good look at her:

> "Go back and have a good look at her for this is more assuring of happy life together." (Termizi; Al-Nissai'i)

> "If one of you proposes to a woman he should look at her to make sure she is pleasant in his eyes and that he really looks forward to marry her." (Abu Dawood)

With the same token, the woman should look at the proposer and make sure that he looks agreable to her. It is also befitting that the two can sit together to know more about each other, and to discuss their thoughts, inclinations and outlooks. They would be evaluating one another and perhaps exchanging views on matters that might reveal incompatibilities better to be uncovered beforehand. These private conversations, however, must not be conducted in seclusion (Khalwa) where they are alone in a place inaccessible to other people. During these dialogues an important criterion of marriage can be ensured: that is Kafa'a or equivalence, if the two are not sufficiently knowledgeable of one another. Kafa'a is an Arabic word and a technical religious term, signifying "suitability" of the couple to be each other's consort. Kafa'a should not be misinterpreted to denote financial status. Nor does it refer to ancestry or tribal social and/or economic status. Regrettably there are many who are still captives of tribal non-Islamic traditions who give more heed to greed or creed. The prophet warned against these misinterpretations saying:

> "If one proposes whose piety and morals are acknowledged by you, then accept him or else there would be tumult in the land and large scale corruption." (Termizi)

The prophet himself arranged the marriage of his cousin, Zainab bint Jahsh to his adopted son Zaid ibn Haritha, who had been a freed slave.

Perhaps the best definition of Kafa'a in modern terminology is the 'cultural background' that should be near enough in the two parties, so as to ensure harmony in their life.

Engagement

Engagement is a provisional phase prior to marriage. It is not a binding contract, and if the fiancees find out during this period that they are not

really suitable for one another then it can be broken. The engagement is no justification for the parties concerned to have access to each other's body or to enjoy physical intimacy. If broken, some jurists decree that presents given to the woman by her fiance should be returned to him, such as the engagement ring or other valuables. It is a pre-requisite for engagement that the woman be free from juridicial objections, such as being married or still during the ritual "waiting period" (idda) following a previous marriage. It is also unethical for a Muslim to propose to a woman already engaged, unless that engagement is broken for an independent reason or by consent of the first proposer to break the engagement.

The free consent of both parties to the marriage is a juridicial necessity. In some patriarchal communities the decision is made by the father or guardian without heed to the girl's opinion. Such practice is unacceptable to Islam, and if the girl is not consenting the marriage contract is to be dissolved by law. A young woman once complained to the prophet that her father married her to his nephew without her consent. The prophet gave her the option of dissolving the contract, to which she answered: I accept what my father did, but I wanted to make the point to women that the decision is up to them and not to their fathers.

The Marriage Contract

The essential part of marriage is the honest decision taken by a man and a woman to become husband and wife. This, however, has to be expressed verbally by one party proposing by asking the second party for marriage, and the second party, the woman or her chosen representative, verbally expressing acceptance. Two witnesses must be there to attest for the request and the affirmative answer to it. Other documentation formalities prescribed by the law should be fulfilled, such as entry into a special register of a document signed by both parties and the witnesses and issuance of official copies, one to either party. The marriage contract may be conducted in any language suitable to the parties concerned. With the marriage contract the legal rights and duties of husband and wife to one another take effect, as do the legal safeguards to their future progeny. Amongst the material rights of the wife is the reception of a dower. Part of it may be given at the contract and the remainder postponed. The exact amount of the dower is subject to mutual agreement, but the prophet repeatedly enjoined Muslims not to make the dower an obstacle to marriage as many fathers tend to do nowadays. In a certain incident he suggested to a man

of limited means that his wife's dower would be teaching her two chapters from the Quran. However, settlement of the dower should be left to the discretion of the parties concerned, without interference of the state. When Caliph Umar addressed the people to forbid exaggeration in dowers, a woman quoted the Quran and interrupted Umar by reciting:

> "But if you decide to take one wife in place of another, even if you had given the latter a whole treasure for dower, take not the least bit of it back. Would you taken it by slander or a manifest wrong?"
> (4:20)

To which the Caliph said: The woman is right and Umar is wrong.

The marriage contract may be made to include certain mutually agreed conditions. The wife may add a clause in the contract giving her the right of divorce at her own will or conditioned on a specific event such as the husband taking another wife.

It is a sunna recommended by the prophet that marriage should be made public and be celebrated in such ways as inviting relatives and friends to a party and a meal.

Marital Roles

In Islam the husband is the head of the family and the wife is its heart. These should function in perfect harmony, in a complementary way but not as adversaries. The role of leadership in the institution of marriage is as vital as it is in any institution and this Islam assigns to the husband.

> "And women shall have rights similar to the rights they owe, according to what is equitable, but men have a degree over them. And God is exalted in power." (2:228)

This does not mean that the husband should be a tyrant or a dictator. Family life is to be fueled by love and mutual understanding, and if necessary by adapting to each other's limitations. On repeated occasions the prophet recommended the wives to their husbands' tender loving care:

> "The best among you is the best in treating his household. And I am the best of you to my household." (Ibn Maga)

> "The most complete in faith are those with the most pleasant nature, and the best of you are the best to their wives."
> (Ahmad; Termizi; Ibn Habban)

Inclusive in the leadership role of the husband is his responsibility in supporting the family. The sustenance of wife and children is the responsibility of the husband and not the wife. The wife does not carry a reciprocal responsibility, even if she is rich and the husband is not. If she wishes to contribute to the family budget this will be her option but not her obligation according to Islamic law. Moreover, Islam gives woman the right of private and independent ownership, and this right is not compromised by marriage. Her property remains solely hers and she has the right to manage it independent of her husband.

Forbidden Marriages

In the chapter on Lactation we presented the verse of the Quran identifying relatives not to be married by men or women:

> "Prohibited to you (for marriage) are: your mothers, daughters, sisters, fathers' sisters, mothers' sisters, brother's daughters, sister's daughters, foster-mothers who gave you suck, foster-sisters (daughters of mothers who gave you suck), your wives' mothers, your step-daughters under your guardianship born to your wives to whom you have gone in (consummated marriage), no prohibition if you have not gone in, (those who have been wives of your sons proceeding from your loins (biologic sons), and two sisters in wedlock at one and the same time except for what is past, for God is Oftforgiving." (4:23)

Juridicially mother is so defined as to include all women contributing to you by the way of birth, ie mother's mother, mother's grandmother, and great grandmother. . . as well as father's mother, her mother, and grandmothers. Daughter signifies a female ascended to you. . . ie daughter's daughters and grand daughters etc. Sister is a woman sharing one or both parents (step sister included). A paternal aunt is the woman who shares with father or grand father one or both parenthood roots, and similarly a maternal aunt is that who shares with mother one or both roots. The same scale applies to milk-fosterage relations. Forbidden to marry is the woman who suckled as she is considered mother, her mother for she is grandmother, her mother in law for she is also grandmother, her sisters for they are aunts, her husband's sisters for they are paternal aunts, her grand daughters for they are nieces, all of course as well as her daughters or step daughters for they are considered sisters.

Other categories of women are also forbidden but only for as long as the cause for objection lasts. This applies mainly to a woman during the 'waiting period' (idda) following a previous marriage. Another case is bigamy if both wives are related in such a way that if one were a man the other would be on the forbidden list given above.

Inter-religious Marriage

A Muslim man may marry a woman from "The people of the Book" (Jews and Christians) for a wife. Inspite of differences in doctrine between Islam and the people of the Book (Torah and Bible), Islam recognizes that in principle they are believers in a God sent religion and followers of God sent Moses and Jesus (concerning Christians). Both relate to the religion of Abraham, the common grandfather of Mohammad and the Israelites.

The Israelites are mentioned on a large number of occasions in the Quran in praise for as long as they maintained monotheism and worshipped God. But also in rebuke for disobeying Moses even during his life, for attempting to worship the golden calf, for killing a number of their own prophets, for tampering with the Torah and ascribing inappropriate features to God such as His fight with Israel in which Israel defeated God (!!), for believing they are a super race and the chosen people of God, for under-ranking the non-Jewish people and believing that the goyeem (non-Jews) should be servants to them, for rejecting Jesus Son of Mary and branding him as liar and imposter and choosing the life of Barabas over his life after asking for his death, and finally for rejecting Islam, betraying their covenants with Mohammad and plotting against Islam.

With Christians Islam shares the reverence of Jesus Son of Mary, the belief in the chastity of his mother who gave birth to him through the immaculate conception, and that his teachings were God's teachings. However, Islam emphasises the human nature of Jesus, that he was created by God's will without a father (like Adam who was created with neither father or mother) and that he performed his miracles by God's leave and not his own. Islam also teaches that the jews (through the Romans) did not crucify Jesus or kill him although they thought they did, for God raised Jesus up unto Him. Vicarious sacrifice is not acknowledged by Islam, so God's forgiveness and mercy can be sought by direct apology and repentance to Him, without the need of a human sacrifice (let alone His own

son as believed by christians), and without the intercession of any mortal between man and his Creator, hence there is no clergy and no church in Islam.

But what is the practical outcome of these differences? Islam's prescription is tolerance, friendliness and justice, in acknowledgement of the common basic belief:

> "Say (O believers): We believe in God, and in the revelation transmitted upon us, and upon Abraham, Ismail, Isaac, Jacob and the Tribes, and that given to Moses and Jesus, and that given (all) the prophets from their Lord, we make no discrimination between one and another of them, and to Him we are submitters (Muslims)." (2:136)

Unless they are actively fighting against Islam, the relation between muslims and the People of the Book is one of compassion and cooperation. They eat each other's food (unless specifically prohibited like pig meat which is forbidden in Judaism and Islam and was permitted in Christianity by Paul and not by Jesus) and enter each other's houses as friendly guests. The legal dictum covering their status within a Muslim state is "They have our rights and owe our duties". Never should they be forced or pressured to convert to Islam against their conviction, for the Quran says:

> "Let there be no compulsion in religion." (2:256)

But perhaps the most convincing example of the tolerant and friendly attitude of Islam towards the People of the Book, is that it makes it permissible for a Muslim man to build that sacred unit of humanity, the family, by marrying a Christian or a Jewish woman. It gives her the right to keep to her faith, and makes it a religious duty on the husband to enable her to observe her rites and worship according to her religion. Obviously Islam adopts the bridges rather than the rifts:

> "This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book revealed before your time, when you give them their dowers and desire chastity not lewdness nor secret intrigues." (5:5)

The converse relation, however, does not hold, and a Muslim girl cannot marry a non-Muslim. The reason is obvious, for as we stated before, the leader of the family is the husband, and in Islam as it is in the other religions the woman is enjoined to be obedient to her husband. When the

leader is the one who recognizes the religion of the other party and is responsible by the authority of his own religion to protect the freedom of religion of his consort, then justice is indeed ensured, and when a Muslim man marries a Christian or Jewess she is in no fear for her religious rights. If the husband of a Muslim woman were non-Muslim, who does not recognize Islam altogether, then divergence of loyalty might arise say if the husband wishes to entertain sexual relations during the fast in Ramadan for example, or if he expresses views showing disrespect of Islam or its prophet since he believes in neither.

Polygamy

There seems to be a widespread mis-conception featuring polygamy as an Islamic invention, and therefore enjoying another opportunity to add to the propaganda war against Islam.

Polygamy existed in religions preceding Islam, it continued in Judaism and in Christianity long before Islam. A look at the Old Testament will reveal that a number of prophets had many wives. King Solomon is said to have had seven hundred wives, princesses and three hundred concubines (1 Ki. 9:16; 11:3 cf., S of Sol. 6:8). His son had eighteen wives and sixty concubines (2 Chron. 11:21). The Talmud gives advice that men should not take more than four wives, the number Jacob had. When Jesus came, Christianity did not prohibit polygamy, and the New Testament insists on monogamy only for bishops and deacons. No church council in the earliest Christian centuries opposed polygamy. St. Augustine clearly declared that he did not condemn it. Luther tolerated it and approved of the bigamous status of Philip of Hesse. In 1531 the Anabaptists preached polygamy and the Mormons of today believe in it (see Abd al Ati, The Family Structure in Islam, American Trust Publications, 1977, p 114). Until this very day, the church in some African countries conducts the marriage of men to more than one wife. In Europe, the attempt to legally enforce monogamy and outlaw polygamy took place as late as the late sixth and early seventh centuries.

Out of the three current monotheistic religions, it was Islam that gave clear guidance indicating that the natural situation is one of monogamy. It permitted polygamy not as an injunction but as an alternative option for those who were in dire need of it and cannot cope otherwise. A man's wife may become unfit to fulfill her duties as wife and her husband does not want to forsake her. To contend with the situation and repress his desire

or transcend over it is an option to take if he so chooses and this might be a great charity. But this option cannot be made obligatory, because not all men can achieve it, and the inevitable result might be widespread adultery. After devastating wars when large numbers of men are killed and a large surplus of women are left without support, the lesson history teaches us is that illegitimate fornication with all its sequelae becomes a social phenomenon, as the near and far pasts testify.

Polygamy, however, is not tantamount with loosening the reins for sensuality, and as we look in the Quran we realize that Islam lays such criteria that appreciably limit polygamy.

The verse of the Quran denoting that polygamy is permissible reads:

> "And if you fear that you will not act justly towards the orphans (girls), marry such women as seem good to you, two, three, four; but if you fear that you will not be equitable, then only one, or what captives your right hands own; so it is likelier that you will not be unjust (or become destitute)." (4:3)

The context is interesting. The verse addresses men who acted as guardians of orphaned girls. It was a widespread practice that the guardians considered marrying them or marrying them to their sons. Many guardians were motivated to do so—at least in part—lured by their wards' wealth that was under the management of the guardian. Sometimes the guardian would name a dower lower than that due to the social equals of the girl, since he was the lawful person to act on her behalf. The Quran, in the verse immediately preceding this, warned the guardians that both practices were sins to be condemned. Many guardians became apprehensive, and many men shunned being guardians. The Quran opened a new option: if the guardian feared he would be unjust to his ward, then let him seek marriage outside this critical relationship, other women than his ward are plenty and he may take up to four wives.

Some exegists stick to the wording of the verse and see that permission to polygamy is valid only in the case of guardians under those specified circumstances. The majority, however, do not concurr, but they find two legislations that were really new to the subject of polygamy:

The first was the limitation of polygamy to a maximum of four wives. For the first time, over the three monotheistic religions—Judaism, Christianity and Islam—a numerical limit is imposed.

The second is even more restrictive. For it makes equity between the wives a prerequisite for taking the option of polygamy. . .and if the man

fears he would not be equitable, then one wife is the limit. This directive is the more reinforced by the saying of God in another Quranic verse:

> ''You shall never be able to be fair and just as between women even if it is your ardent desire. . . .''(4:129)

Divorce

> ''Out of all lawful things, divorce is the most hateful to God.''
> The prophet (Abu Dawood; Al-Hakim)

The similitude of divorce in surgery is the operation of amputation. It should never be undertaken except as a last resort. Islam enjoins tolerance and good companionship in the family. The Quran enjoins men towards their wives:

> ''And live with them on a footing of kindness and equity. If you take a dislike to them it may be that you dislike a thing and God brings about through it a great deal of good.'' (4:19)

Every serious attempt at reconciliation should be made, and the husband and wife are recommended to each choose a representative to look into the matter and try to patch up the rift.

> ''If you fear a breech between them twain, appoint arbiters one from his family (side) and the other from hers; if they wish for peace, God will cause their reconciliation. For God has full knowledge and is aquainted with all things.'' (4:35)

But if the rift between them proves to be beyond reconciliation, then divorce is a lawful option. To deny them that option is a cruelty, and marriage becomes both a prison and a hypocricy. No law or institution can enforce the compassion and mutual regard so essential to family life. Some churches allow dissolution of marriage only under horrendous circumstances such as adultery. . .and what a high price it is if either party is forced to secure freedom by committing or phaking adultery. Many countries following a no-divorce doctrine at last saw that it might be a compelling necessity and legislated for divorce inspite of the stand of the church.

Divorce is accessible to both husband and wife. To the husband access to divorce is direct, on the assumption that on the whole man is less emotionally inflammable than woman, besides being subject to the deterrant

of the financial loss inevitably incurred by the husband if divorce occurs. The woman's access to divorce is insured by any of three ways. The first is to put a clause in the marriage contract putting the right of divorce in her own hands whenever she wills, or attaching it to a specific condition such as the marriage of the husband to another woman. The second is through the procedure of "Khul"... securing the consent of the husband in lieu of an agreed compensation for financial losses her marriage cost him. Usually this entails exempting him from the postponed portion of the dower, and giving back any valuables he had given her. If the husband is non-responsive, the judge would overrule him. The third path is resort to the court and filing a divorce case. Needless to say that outside these three methods, mutual consent remains the basic and most peaceful first line. The fact that Islamic divorce is not the monopoly of the court, obviates the hateful necessity of having to disclose family secrets and having to hurt one another during the attempt to prove to court their divergent points of view.

Divorce, to be religiously recognized, should not be carried out while the wife is menstruating (or in the puerperium) but during her clean period and providing no sexual intercourse has taken place in that particular cycle. The man should be acting upon his free will, and not compelled or threatened. He should be in his normal senses and not overtaken by psychological shock or anger.

Some men unfortunately abuse their right of direct divorce, thus committing a sin and targeting themselves to the prophet's prayer: "May God curse every oft-taster (marrier) oft-divorcer."

After divorce the marriage is not immediately dissoluted. A 'waiting-period' (idda) follows, during which the woman's residence and sustenance remain the responsibility of the husband. This waiting period subserves two functions. The one is to give a chance to acertain whether or not she carries a pregnancy from her husband. The other is to give a chance to review their positions, and perhaps they then regret the divorce and change their opinion about it. During the span of the waiting-period (idda) the divorce is revokable and the husband can declare that he is reclaiming her again as his wife.

The duration of the waiting-period (idda) varies in accordance with certain considerations. If marriage had not been consummated, no waiting-period (idda) is necessary:

"O you who believe: When you marry believing women and then divorce them before you have touched them, no period of idda (waiting)

have you to count in respect of them: so give them a present and set them free in a graceful manner." (33:49)

If the divorcee is in her child-bearing period of life, then her idda is three complete menstrual cycles:

"Divorced women shall wait concerning themselves for three menstrual courses. Nor is it lawful for them to hide what God has created in their wombs if they have faith in God and the Last Day. And their husbands have the better right to take them back in that period if they wish for reconciliation. . . ." (2:228)

If the wife proves pregnant, then she should remain in idda until the pregnancy is concluded. If she is not at menstruating age (menopausal or has not attained menarche yet) then the idda is three months.

"Such of your women as have passed the age of monthly courses, for them the prescribed period, if you have any doubts, is three months, and for those who have as yet no courses (it is the same). For those who carry (life within their wombs), their period is until they deliver their burden (pregnancies); and for those who fear God, He will make their path easy." (65:4)

It is to be noted that a pregnancy may be concluded in childbirth or in miscarriage. In the latter case, care must be taken lest only one of twin fetuses is miscarried and another remains in utero, as happens on few occasions. Resort may be made to examination by ultrasound if available and if there is such suspicion.

A final type of idda remains that is appropriate to be mentioned although not a divorce idda. This is the idda of the widowed woman who is not pregnant, and its duration is four months and ten days.

What if a man revoked the divorce during the idda, took his wife back, but after some time he divorced her for the second time? The same procedure is followed again and he has a chance to revoke the second divorce and reclaim his wife a second time. But this is his last chance, or else divorce becomes a matter of play. If he divorces her a third time then he cannot at all go back to her. Not unless she happened to marry another man, and happened—by true reason and not by fabricated planning—to be divorced. Then her first husband may propose to her again afresh, as if he never married her. If she consents, a marriage contract will be established anew. It is sinful to solicit a man to marry and then divorce

her. It should be a serious honest marriage, with the intention of durability, and the marriage must be consummated.

> "A divorce is only permissible twice: after that the parties should either hold together on equitable terms or separate with kindness..."
> (2:229)

> "Then if he divorces her (irrevocably), he cannot after that re-marry her until after she has married another husband and he has divorced her..." (2:230)

A divorcee has the right of custody of her children, who are to be supported by their father, until they grow up to an arbitrary age defined by legislation in various communities.

Both divorce and polygamy have been traditionally popular topics to attack Islam by western communities. At the present time the incidence of divorce in leading western countries is much higher than it is in Muslim communities. As for polygamy, it is practically rampant on a large scale in western countries, except that it is not within the sacred institution of marriage but in the context of social acknowledgement of sexual lisence for married and unmarried men and women. A mistress (or many) is acceptable but a second wife is not. One of the practical jokes of westernized life was reported in a so called Muslim country that outlawed bigamy. A man was accused of having a second wife, and his defense counsel at court tried in every way to prove that the other woman was a mistress and not a wife, in which case there would be no offense. But the court was not convinced that the woman was a mistress, and the husband was convicted.

Marital Counseling

The time honoured image of the doctor as the father (or mother) image to be confided in and consulted on family problems is rapidly disappearing. Medicine is becoming fragmented and compartmentalized under the influence of superspecialization. In some leading countries the medico-legal aspects of the doctor-patient relationship have come to exert a dominant influence on the practice. For centuries the medical professional in Islamic countries has been called the 'wise man', a term that is synonymous with 'doctor' until this very day. After a long career I firmly believe that the doctor remains in a most suitable position to handle family problems

and perhaps rescue threatened marriages and bring reconciliation, harmony and happiness into many homes: all without trespassing outside the boundaries of medical practice. Once gaining their confidence and establishing good rapport with them, a doctor can play a very positive role in the lives of his patients provided he is aware of this aspect of the doctor's duties, and is sensitive to their worries and pre-occupations and able to listen to what they say and to what they refrain from saying. It is quite often to discover that a husband and wife who share the intimacies of one bed, nevertheless suffer an appreciable communication gap that only their trusted doctor can bridge. A host of causes may threaten a marriage, whether sexual, physical or behavioural, that an ordinary person would not wish to speak about, or even realize that they are aetiological in their marital dysharmony. In a large number of instances the keen doctor can unearth them and perhaps put the trust he (or she) is accorded to good use. To aquire some insight in the Islamic views about marriage will certainly help.

> The success of a marriage is less of an expression of the initial degree of matching between the couple-to-be, than it is of their capacity of adaptation to one another along the long journey of marriage.
>
> The author

A Sample From Our Heritage

On the occasion of the wedding of her daughter a mother gave her the following advice, that we see fit to conclude this chapter with. It is an example of profound wisdom that is still valid over the centuries just as it was the day it was uttered:

"My little girl, had a perfect integrity made advice superfluous, then I would have spared you it; but advice reminds the forgetful and aids the sound of mind.

And if parents' wealth and attachment were an alternative to marriage, we would have not given you away. But women were created for men. . .and men for women.

And now you are bidding good bye to the nest that brought you up, to one unknown to you, and a mate you are not aquainted with. As he takes you in marriage he becomes your king, so you be his queen. . .and be a servant to him, to make him a servant to you.

Be easy to content. And in grace do listen, and obey. And heed his sight and his smelling so that you be pleasing if he looks at you and pleasing if he smells you.

And be alert to his meal times and his bed time for hunger inflames, and disturbance of sleep angers.

And be the good guardian of his house-hold, and the good shepherd to your children and the good manager of his property.

And disobey-not any of his orders, nor divulge any of his secrets. . .or else you undermine his love and crack his trust.

And finally, never rejoice in his presence if he is sad, or be sad in his presence if he is rejoicing."

Chapter IX

THE MALE GYNAECOLOGIST

MEDICAL EXAMINATION OF THE OTHER SEX

The Islamic revival witnessed recently has resulted in rekindling Islamic feelings and made many Muslims more sensitive and heedful to the teachings of Islam not only in the field of worship but in other areas of daily life. Practices and behaviours are subject to more scrutiny lest they might be objectionable to Islam, and new patterns and customs are prevailing amongst large sectors of Muslims. The question of whether a patient may be physically examined by a doctor of the opposite sex has been revisited, and many Muslims are naturally eager to get clear about the issue.

Islamic emotion is welcome. But when emotion is transformed into emotionalism there is a risk of going beyond the teachings of Islam in a desperate attempt to uphold them. Islam does not know ultra-Muslims, or uphold fiery fanaticism. To stop short of Islam, or to exceed beyond it, are both outside the spacious circle of Islam, and are both non-Islamic. Unless Islamic emotions are harnessed by proper knowledge of Islam and governed by it, they remain an enemy. More visible than the contemporary proper Islamic revival—which is indeed a fact—is its surrounding haze of overzeal and fanaticism which is not part of the revival but is even one of the hindrances it faces. Naturally it is more visible since it is the superficial and noisy crust. With heated emotion not reigned by proper knowledge the heirarchy of Islamic priorities becomes mixed up, peripheral trivial issues aquire more significance than basic ones, divisiveness amongst muslims for divergence of honest opinion are inevitable and the very roots of Islam are struck at in the process of preserving some twigs and offshoots. Islam's totality and comprehensiveness becomes reduced to unending debate about rites, dress, food, drink and scattered other minutae.

It was perhaps symtpomatic of this climate then that upon starting the Faculty of Medicine in Kuwait, I was visited by a group of students of

the first entering class, who were keen Muslims and therefore horrified with the idea of going into the dissecting room for their anatomy class and having to look at parts of female cadavres. Approving of me as a Muslim, they came to seek my views on that crisis. With the prospect of going to their clinical in the hospital wards two years later, when they would examine patients of both sexes, including thirteen weeks in obstetrics and gynaecology, the importance of alleviating their anxiety and upon solid Islamic grounds was obvious. Apart from that private visit, I made it a point to incorporate this and similar matters in their course on 'History of Medicine' in which I was co-teacher, and later on in 'Islamic Aspects of Obstetrics & Gynaecology' which has been part of our curriculum of obstetrics & gynaecology since the school started. But the general public also needed that education, and I had to step into the arena with a series of press articles and television and radio programs in a few countries wherever I could have access, as well as in various conferences and in my earlier book "Topics In Islamic Medicine" (1st edition 1984, publ. Islamic Organization of Medical Sciences, Kuwait). Let us look at the subject in proper Islamic context.

The medical corps in the army of prophet Mohammad peace be upon him, was an all-woman corps. It comprised a group of Muslim ladies, with proper medical training according to the state of the art in those times. They were called the 'asiyat' or lady healers, and would join the army and strike camp at the margin of the battlefield, perhaps the prototype of what later became the field hospital. It was amongst their duties to go into the battle, carry the wounded soldiers back to their camp and attend to their treatment. The site of the wound on the body never paused a problem or raised an objection to their role in shouldering the medical responsibilities. Perhaps Muslims in those early days of Islam had more important pre-occupations than the fastidious splitting hairs that we sometimes see in our present day. It was thus established since the days of Badr and Uhud battles that the general rules governing the concealment of certain body parts from the sight of the others were waived for the purpose of medical treatment; as a legitimate exception from the general rule. Islam endorses ever a wider role for women. During the battle of Uhud, at a stage when the military situation became very critical to Muslims after an initial victory which lured some troops to disregard previous orders, one of the lady healers, by the name of Nussaiba threw away her medical kit and drew sword and shield and vigorously joined the battle. She was amongst the few who rallied to the prophet and fought in his defence. She was twice

wounded and at the conclusion of the battle the prophet commended her bravery and devotion and said: "Wherever I looked, to the right or to the left or ahead, there she was: fighting for me and defending me."

Medical treatment, entailing the inspection of the body of the patient from the opposite sex is therefore legitimate according to the tradition of the prophet. Over the ages, jurists have upheld this statute. Under all other circumstances the 'awra' should be covered. The 'awra' is the part of the body that should be covered from strangers. In men it includes the genital region or, more restrictively, from the navel to knees. In women the body should be covered save for the face and the hands (some jurists allowed feet and ankles, and sleeves up to the elbows for the necessity of work or profession). The 'awra' is to be concealed even if the looker is from the same sex, although of course looking at the same sex is less provokative.

One of the truths of the medical profession, seems to be beyond the comprehension of some critics outside the profession. In medical practice the human body ceases to exhibit its attraction as a focus of seductive temptation. What the doctor sees in the patient is a system of integrated and interrelated structure and function. The doctor checks it as a mechanic checks an engine, trying to locate what went wrong and why. Doctors undergo a process of professionalization starting from the day they entered medical school. A nonmedical person might lack this feeling but should not deny it. We go down to the clinic, the bed side and the operation theatre not as men or women but as doctors. The language of anatomy, physiology, pathology and therapy absolutely displaces that of beauty and sex. Exceptions are rare and are abnormal, and are minimized even more by the rules of professional ethics that make the presence of a third party (usually the nurse) mandatory during clinical exmination.

Some critical persons are especially conditioned against the practice of obstetrics & gynaecology with respect to the male doctor. Completely lost to their (myopic) views is the fact that the body of the patient is also exposed to the doctor in other specialities, whether physician, surgeon, neurologist, dermatologist, orthopaedist to name but a few. An operation for haemorrhoids exposes the same operation field as for gynaecological operation. Pelvic examination might have to be performed to palpate the lower reaches of the body cavity even in nongynaecological conditions. The cry against one field of medicine therefore does not seem to be well founded.

The enlightened outlook of old jurists many centuries ago should have closed the door against our latter day overzealots, but the real crisis is

lack of knowldge. Old writings remain to our day the model of broad-mindedness, progressiveness and maturity in both Islamic sincerity and Islamic intellect. In his book ''Al-Mughni'' written in the eighth century Ibn Quadama, an authority of the Hanbali sect wrote: ''It is permissible for the man doctor to inspect whatever parts of the woman's body that the medical examination warrants. . . for this is considered a necessity'', and this was written over seven centuries ago. 'Al-Adab Al-Shariyya' written by Ibn-Muflih—also of the Hanbali school—relates an interesting account: ''Marwathi asked Abu Abdullah about a woman who had incurred a fracture and the bone-setter found it necessary to lay his hands on her to manipulate the fracture. The answer was a clear consent since that was a medical necessity. So he went a step further and told that the bone-setter who wanted to apply a splint, wanted to expose her chest and lay his hands over it during the treatment, and again the answer was a straightforward approval.'' The same page in the same book bears the clear statement: ''A man doctor may inspect the 'awra' of a woman's body as far as the medical examination warrants, if only a male doctor is available to treat her, even if he has to look to her private parts. This same would be true if a man is ill and there is but the woman doctor to treat him. . . she may inspect his body even his private parts.'' The same is reaffirmed by other authorities such as judge Abu-Yaala of the Hanbali and Ibn Abdeen of the Hanafi schools.

Some contemporary hardliners linger a bit too much at statements like 'if only a man doctor is available. . . ' mentioned in the previous text. Not long ago, a member of parliament in a Middle Eastern country expressed disquiet during a parliamentary session at the practice of obstetrics & gynaecology by male doctors, and officially made the proposal that only women doctors should conduct obstetrics, and summon the help of the man doctor only when complications arise and the situation becomes one of ''compelling necessity'', to use his terminology. We can perhaps respect his opinion, but since he based his arguments upon ''the teachings of Islam'', we find it inevitable to disagree. If his views were Islamically correct, and the male master doctor is to be invited only when the situation is really bad, one cannot help enquiring: and how was this male super-specialist made? Had he been sent as a student to the medical school only to be taught the management of complicated and desperate situations? Could he have mastered the difficult without vast experience of the easy? Could he have reached the top without diligently climbing from bottom to top?

Beginning at the beginning, there is unanimity, including even the ultra-

radical, that society should have doctors of both sexes, whatever the duties later to be assigned them. It does not take much thinking to know that in the preparation of the young man or young woman to become a doctor, it is imperative for them to examine the body of both sexes. If we delete the male body from the curriculum of women medical students it will not be possible to make women doctors out of them. Similarly it will not be possible to make men doctors if we delete the study of the female body from the curriculum of male students. The nature of medical studies has no room for such ideas. The making of the doctor starts with the making of the generalist. At a later stage specialization will entail the in-depth study of a certain discipline, retaining full awareness of relations and interactions with other body functions and systems, otherwise key-hole medicine is produced, where concentration on a minute aspect overlooks very relevant and operating interactions.

That society should make its doctors is a religious duty on society, of the type called 'Fardh Kifaya' ie that which can be carried out by some members of society on behalf of the community at large. Another Islamic dictum proclaims that whatever is necessary to uphold a religious duty becomes of itself a duty. Applying this to making doctors, it becomes clear that from the time of going into medical school, a legitimate exception from the rules of concealing the 'awra' immediately operates.

Instead of singling out obstetrics & gynaecology for attack, it would have been more logic—illogic as it is—to shout the cry of "Women doctors for women and men doctors for men"... whether in general practice or in any one of the specialities. Is it possible? Is it feasible? Is it the right step to take?

Women are half of the society... are women doctors one half of the medical force? Would they ever be? Can women doctors assume half the number of the members of every specialty? Some health authorities have tried to compel women graduates to take up obstetrics & gynaecology in the way of military drafting. It did not work. It would be against legitimate personal choices. Many a woman doctor would prefer to take up a specialty devoid of hard work and very uncomfortable hours with emergency calls during day or night. To do that at the expense of home, husband and children is acceptable only to the few and shunned by the many. The few women who opt to specialize in obstetrics & gynaecology find it distasteful to be regarded as "woman" and not as doctor, and in public (government) hospitals, employing salaried full time doctors, an overdemand of over-religious women patients for women doctors caused the women doc-

tors to counter-demand not to be discriminated against on the basis of their sex. To the majority of the patients, however, the priority is given to their faith in the doctor and ability to treat or operate on them. . . irrespective of the doctor's sex.

What if a woman patient requests to be examined by a woman doctor?

The Islamic answer is of course to answer her request as far as it is possible. We should not judge people for their opinions, and it is part of good medical care to make our patient content. Some women have inherent shyness to expose their body to a doctor of the opposite sex. Some have their religious views and these should also be respected but without in any way compromising the educative role of the Muslim doctor, be it to the public or to the individual patient. In this and in other issues, the Muslim doctor is not one who takes off his Islam as he puts on the white coat. In tolerance of opposing views, and in a most graceful way of talk, we have seen the simple presentation of the truth about Islam alleviate much anxiety, and relieve many a fellow Muslim from burdens that God never intended to impose on them.

Chapter X
MOTHERHOOD

MOTHERHOOD

Parenthood—and especially Motherhood as an Islamic Value

Motherhood occupies a major area in the work of the obstetrician-gynaecologist. Motherhood, however, is much more than obstetrics, and it would certainly enrich the Muslim obstetrician to consider motherhood in total Islamic perspective.

Motherhood and Fatherhood are the two aspects of Parenthood and Islam gives parenthood a very high position amongst its values, as evidenced by the following quotations from the holy Quran:

> "Your Lord has decreed that you worship none but Him, and that you be kind to the two parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. And, out of kindness, lower to them the wing of humility, and say: My Lord, bestow on them Your mercy even as they cherished me in childhood." (17:24-25)

> "And remember We took a covenant from the children of Israel (stating): worship none but God; and treat with kindness your parents. . . ." (2:83)

The linkage of respect to parents and mentioning it second to the worship of none but God is indeed very impressive. The tenderness and compassion in treating them, pictured beautifully as lowering the wing of humility out of compassion, as well as the forbidding of a harsh word or gesture to them, is one of Islam's principal teachings. In the original Arabic text of the Quran these meanings are rendered in such a sweet literary style that can never be approached by translation. The linguistic miracle of the Quran is a fact that only those with the highest command of Arabic can taste. It was the direct cause of conversion to Islam of many Arabs at the time of the prophet, whose major attribute was literary excellence. I often

quote an illustrative parable: if I put my finger in acid or alkali it will turn neither red or blue. . . for my finger is not the relevant specific indicator: but a strip of litmus paper is. Similarly, when history tells us about Umar-ibn-al-Khattab, one of the strongest characters in Islamic history, how he was angered for the news that his sister had embraced Islam and decided to punish her. Blasting his way into her house as she was reciting the Quran, he slapped her on the face and demanded to know what she had been reciting. Upon listening to a few lines of the Quran, his prompt response was to go out in public and announce his Islam. To non-Arabs who came in contact with Islam the attraction was its ideology and teachings. Modern times witness another key, namely the scientific miracle of Islam. The Quran refers to some scientific facts that were completely unknown to humanity at the time of Muhammad, a proof of the divine source of the Quran (see The Bible, the Quran and Science by Dr. Maurice Bucaille).

The sayings of the prophet are many, that recommend parents to our kind care. One day he said: He is indeed miserable. The companions asked: And who is he, messenger of God. The prophet answered: He who had the chance to witness his parents or either of them in their old age, and missed to secure for himself a place in paradice (by looking after them and giving them due care). (Muslim and Termizi)

> "Shall I tell you of the gravest of sins? To associate partners to worship with God. To be ungrateful to your parents. . . and to give false testimony." (Bukhari-Muslim-Termizi)

The compassionate attitude towards parents is ordained even if they are of different religion, and this is not incompatible with the steadfastness of the Muslim in Islam.

> "We have enjoined on Man kindness to parents, but if they strive (to force) you to join with Me (in worship anything of which you have no knowledge) then obey them not. You have all to return to Me, and I will tell you (the truth) of all you used to do." (29:8)

> "And We have enjoined on Man (to be good) to his parents. In travail upon travail did his mother bear him; and in years twain was his weaning. . . (hear the command): Show gratitude to Me and to your parents. . . To Me is (your final) goal. But if they strive to make you join in worship with Me things of which you have no knowledge, obey them not; yet bear them company in life with charity and consideration, and follow the ways of those who turn to Me (in love): in the

> end the return of you all is to Me, and I will tell you the truth (and meaning) of all that you did." (31:14-15)

Asmaa, the daughter of Abu Bakr who was the prophet's closest companion, reported that after the Muslims fled Makka to Madina, her mother came after her to visit her, while the mother was a non-Muslim and technically was in the camp of the enemy and coming from his land. So Asmaa felt uncomfortable about having to accept and receive her mother, and she went to ask the prophet whether the circumstance should perhaps warrant disjunction off her mother. The prophet instructed that she should "join her" and heed the tie between them. (Abu Dawood—The two sheikhs)

Within parenthood, motherhood is given a clearly higher position than paternity. The last verse we quoted from the Quran makes mention to the debt the mother is owed by virtue of carrying through pregnancy to lactation and weaning. A man asked the prophet peace be upon him:

> "Out of all people, who is most deserving of my good companionship? The prophet answered: Your mother. Who is next? Asked the man. Your mother! Answered the prophet. Then who? Asked the man. Your mother! The prophet said for the third time. Then who? The man asked impatiently. . . and the prophet answered: Then your father."
> (The two sheikhs)

Another of the prophet's traditions says:

> "God has made ingratitude to mothers forbidden to you."
> (Al-Bukhari)

The following question was posed to the prophet by a young man:

> "Messenger of God: I did carry my mother for the distance of two farsakhs (miles) during the fast of Ramadan under such burning heat (of the sun) that could have roasted a chunk of meat. . . Do you think I have repaid to my mother my debt of gratitude to her? The prophet answered: hopefully you might have paid for one labour pain."
> (Tabarani)

To loose the pleasure and contentedness of one's parents is a great deprivation, in Islamic teaching. Some of the prophet's companions sought his advice about a gravely ill young man whom they visited at his death bed, and tried in vain to make him utter shahada (No diety but God and Muhammad is the messenger of God), that Muslims are very keen to say prior to death. The prophet asked them to summon the boy's mother. It

turned out that the boy was always rude to her and did not treat her kindly. The prophet asked her: Would you be content if these people made a large fire and threw you son in it? The woman immediately said no. The prophet told her: Then if you want to save him from fire you must forgive him. The woman declared that she forgave her son, who then became able to utter shahada.

The priority given caring for one's mother is further illustrated by the prophet's answer to a man who complained to him: "I would love to join the army to jihad but I do not have the means. The prophet knew that the man's widowed mother was still alive and he said:

> "Seek God in caring for her, for if you do: you are given the rewards of hajj, umra and jihad." (Anas)

On a similar occasion, a man consulted the prophet on going to jihad. The prophet, knowing that the man's old mother was alive said:

> "Then stick to her, for heaven is at her feet." (Nissa'i)

This hadith is the basis for the famous saying in Muslim culture: "Heaven is at the feet of mothers."

I have often pondered with my students on the other saying of the prophet: "from my house to my podium (both inside the Prophet's Mosque at Madina) is one of the gardens of heaven. A Muslim's feeling as he sits in that place to pray, ponder or recite the Quran, is one of overwhelming spirituality and inner joy. Then as we remember that heaven is also at the feet of mothers we can't help feeling that our speciality as practised in the labour suite, the wards or the surgical compound must bring us closer to God, for it is there. . .under mothers' feet and in their service. The thought adds a unique dimension to obstetrics and the religious implications become very supportive in this tough branch of medicine. Whether at preconception, prenatal and perinatal or later on, the obstetrician-gynaecologist (or the subspecialists in the field) should certainly derive special satisfaction from their efforts in the cause of Motherhood.

TAKATHUR versus INJAB

These are two words in the Arabic language, the translation of each in English is "reproduction", although in Arabic they are not synonymous. Takathur covers biological reproduction, the act of increasing the number by giving birth to little babes. It can apply to man as it does to animals.

The use of the other word—injab—introduces another dimension to reproduction: dealing with the quality and more-than-physical attributes of the final product, as befitting ''human'' reproduction. Woman's duties to her born children go beyond birth, feeding and caring for physical needs, even if these are carried out in the most sophisticated way. The spiritual needs have to be catered for as well, and raising the children upon solid moral standards is of crucial importance. Psychologists maintain that the formative years moulding the ultimate personality are the first five years of life, almost totally under maternal influence. It is true to say then that mothers are the shapers of the nation and the makers of the future in accordance with the quality of the future supply of men and women in the making. It is before the battle that a soldier is trained and not during it. And it behoves mothers to prepare their children to resist the harmful currents of life and stand up to peer pressure pushing them in the wrong direction. It is during childhood and by the mothers that smoking, drinking, drugs, license, violence, greed, selfishness and the other ailments of modern society are to be combated. This is a principal aspect of mothering that is unfortunately lacking in many modern societies—affluent and poor alike—and it makes all the difference between 'takathur' and 'injab'. In ultramodern societies where mothers broke the barriers of freedom into irresponsible individualism, and in ultra regressive societies stunting the status of women and unaware of their critical role in making the future, the final product stands unsatisfactory even though in varying patterns. Neither way is Islamic. Perhaps training for motherhood both at school and in the health institution can be modified to accommodate the moral dimension.

PAIN AND BEREAVEMENT

When Sir James Young Simpson, the famous Scottish obstetrician, used ether about the middle of the nineteenth century to alleviate the pain of childbirth, the church reacted violently against him. It was believed that the pain of childbirth was God's prescribed punishment for Eve (and every Eve) because of her alleged role in tempting Adam to disobey the Lord by eating the fruit of the forbidden tree. A campaign was launched against Simpson for his interference with the will of God, and the attack stopped only when Queen Victoria invited Simpson to conduct her delivery under his pain-releaving technique.

The concept of God's punishment to Eve through the pain of childbirth

does not exist in Islam, nor is she held responsible for Adam's sin. As mentioned earlier in this book, both succumbed to the temptation by the devil, both repented and both were granted God's forgiveness before Man started his career on earth as Vice Gerent of God, endowed with the concept of good and evil, the mind to discriminate between them and the freedom to make a choice. This is the only feasible basis for the accountability of Man. If Man (every man) was not free to choose, then responsibility would cease. . . as also if someone else would have paid the price of human sins and accountability was priorly waived.

The issue of alleviating pain is nowadays beyond debate. . . neither the church nor anyone else in our times are against pain relief.

In Islam, pain should not be invited, and indeed every measure should be taken to prevent its occurrance and to suppress it if it occurs. The concept of spiritual purification by humiliating the body through pain, uncleanliness or neglect of physical well being is alien to Islam. Indeed the prophet peace be upon him teaches:

"Verily your body has a right upon you."

But if pain is inevitable, then it is a charity in Islam to endure it in grace. Patience is a value in itself, and holds a very high position at that. Whereas the prophet says: "Seek a treatment (for your illness)," he also says:

"By Him who holds my soul: never did the faithful suffer pain or illness, but God puts away his sins as a tree sheds its leaves."
(Bukhari)

It is not only physical pain that is encountered in the practice of obstetrics & gynaecology but psychologic pain as well. A baby born dead or malformed or dying in the early neonatal period is a crisis the obstetrician is often called upon to handle. According to medical literature, the mother's response to these situations typically goes through the classical phases of initial shock, denial and refusing to believe that it happened to her, extreme depression and hostility or anger towards the doctor, the person who brought the sad news, the team who managed the delivery or neonatal care or even the whole world. She might even entertain feelings of guilt for something she commited or omitted during the pregnancy, and some of them take it as a punishment from God for something she did in the past (induced abortion is frequently quoted). It will be a variable time until the stage of acceptance and later adaptation are reached.

In practice, we have seen this stereotyped course appreciably—and

sometimes radically—modified by mobilizing the protective power of faith, either autonomously by the patient herself, or therapeutically by her doctor if he (or she) is well equipped for the role. In a western environment this role of the doctor is almost unexistant nowadays and mostly unthinkable. Faith is not written in medical books and to delve into it would be trespassing outside the sacred boundaries of proper practice. Patient management has become increasingly fragmented, and the case might be handled in the fashion of a production line by the obstetrician, the ultrasonographist, the fetal echocardiologist, the genetic counsellor, the laboratory, the neonatologist, the psychologist (for the stressed), the priest (in situations of death and dying) and quite frequently the attorney for the mal-practice suit. The pattern aims of course at providing top expertise all the way, and yet the area of faith remains notoriously empty. This pattern is no surprise in communities where the impact of religion on every day life has faded.

When faith is alive, it is the primary and richest resource to be tapped in the face of adversity and it can offer instant support and immunity. "You have given. . . and You have taken. . . and You are testing me. . . What you will I accept without a grudge and I thank You for inspiring me patience and giving me the strength to overcome. I am grateful all the way and I hope to be to the satisfaction of Your expectations."

This prayer and its likes represent and foster an attitude that minimizes the effects of the traumatic experience and reduce it to an easily manageable scale. The prophet teaches that lost children are a credit to the believer in the hereafter and a security from the horrors of the day of judgement. The Quran says:

> "Be sure we shall test you with something of fear and hunger, some loss in goods or lives or fruits (of your toil), but give glad tidings to those who patiently persevere, who say—when afflicted with calamity: To God we belong, and to Him is our return. They are those on whom (descend) blessings from God and mercy, and they are the ones that receive guidance." (2:155-177)

In itself patience is a "value", and individuals or societies who cannot see it as such might be in grave jeopardy when confronting stress. 'Patience' was mentioned in the Quran on one hundred and three occasions and is highly esteemed. But the principal source of patience is faith, and if this exists it is the retreat to fall back to. Even when clouded by grief, faith can be addressed by the counsellor who can attune to it, and it will

work wonders. A case I always quote is that of a lady doctor who gave birth to a congenitally abnormal daughter the care for which really taxed her endurance. For two years she lived in bitterness and resentment, overwhelmed by the unanswerable questions of "why?" and "why me?" Although the defect was not mendelian and the prospects for another pregnancy were good, she refrained from pregnancy in view of her psychological condition, that occasionally became really bad. One day a gynaecological condition brought her to visit a gynaecologist who had not been so far aware of her story. Listening to her history, he asked whether she was an atheist or a believer so as to tailor his talk accordingly. . . and she said she was a believer. "Patience per se is a great thing in human life, and—for its own sake—God wants to enrich the human soul with this ingredient. To exercise patience in grace and acceptance is in the long run a valuable endowment of human life, as well as a great charity with a generous reward. Because of this, you must not consider that the effort you give your child is a purposeless waste. It might in fact be the principal role you are assigned to play through your life according to God's plan for you. And as you believe in the hereafter, just imagine that people there look at hell with great horror and clumber at the gates of heaven, to which none had access but those who had their keys to open and enter. Did it ever occur to you that in the awe of that situation your key might just be your daughter?"

With this brief conversation she promptly changed. Her receiving apparatus had been there but just waiting for the proper message at the matching wave length. She left the clinic a different person. She became very fond of her child and her outlook to life enormously brightened. Her radiant smile and glittering eyes were a happy surprise to her relatives and friends. She stopped contraception, got pregnant and gave birth to a lovely normal girl, and looked a model of happiness. She again became pregnant, and this time the ultrasonographist suspected some degree of microencephaly later in pregnancy. She was of course worried but well contained, announcing she would accept whatever came. Fortunately the baby turned out to be normal, another beautiful little girl.

In other cultures such an approach would be taboo. Its feasibility depends on the faith-index of the community as well as the individual doctor, individual patient and the integrity and scope of the doctor-patient relationship: which in certain contemporary advanced communities has been largely transformed into a medico-legal relationship.

In the "Islamic Code of Medical Ethics (Islamic Organization of Medical

Sciences, Kuwait), the following phrase is worth quoting (Chapter 11, p 190): "Faith is remedial, a healer, conqueror of stress and procurer of cure. The training of the doctor should prepare him (or her) to bolster faith and avail the patient of its unlimited blessings."

ALCOHOL and DRUGS

In the past two decades a fetal alcohol syndrome has been delineated, caused by maternal drinking during pregnancy. This entails growth retardation of the baby in utero continuing after birth, short palpebral openings, microcephaly and other dysmorphic features, and mental retardation. No safe dose of alcohol has been identified, and the response varies widely probably due to genetic factors. This is an added aspect to the health hazards of alcohol, on top of its other curses on family, society, economy, crime, accidents, etc.

As other drugs came into fairly widespread use, their deleterious effects on the fetus in utero became delineated, and congenital malformations associated with maternal consumption of cannabis, LSD, cocaine, heroin and others were described. Drug dealing and smuggling has become an extremely flourishing business, and efforts to curb it go hand in hand with more and more consumption especially among young people of both sexes in their teens and twenties, especially in societies that broke the freedom barrier into license. An obstetrician from a relatively drug-clean country visiting a place like USA will be astounded at the number of heroin and cocaine pregnant addicts occupying antenatal beds in hospitals.

The more one sees the sequelae of alcohol and narcotic drugs, the more does one respect Islam for prohibiting them. It is our belief that all other God sent religions share this prohibition, and this goes without saying. The crucial difference between Man and beast is that Man exceeded mere biology to the realm of morality. The signe qua non of Man is the faculty of self-criticism and self-restraint (when necessary). It is at this faculty that alcohol and psychedelic drugs hit. In other words they suppress or remove the human element of Man, which defeats the whole purpose of any religion.

When Islam came alcohol consumption was a firmly rooted social custom, perhaps even more than it is in the contemporary world. The prohibition came in three steps, each psychologically conditioning the nation of muslims to the subsequent one. The first mention of drink in the Quran was:

"They ask you concerning liquor and gambling, say: In them is great sin and some profit for people, but the sin is greater than the profit." (2:219)

After this suggestive information, the Quran followed up with:

"O, you who believe! Approach not prayers while you are under the influence of liquor, so as to (be sure) you know what you are saying. . . ." (4:43)

In their keenness on their prayers and in obedience of the Quran, the chances for drinking became quite limited after the relevation of this verse. The decisive step entailing strict prohibition then came in the verse:

"O, you who believe! Liquor, gambling, (dedication of) stones and (divination by) arrows, are an abomination—of Satan's handiwork: eschew such (abomination), that you may prosper. Satan's plan is (but) to excite enmity and hatred between you through drinking and gambling, and hinder you from the remembrance of God and from prayer: will you not then abstain? Obey God and obey the apostle. And beware! If you do turn back, then know that it is Our apostle's duty only to proclaim in the clearest manner." (5:90-92)

And at that night the prophet sent callers in the streets of Madina to shout up that liquor became prohibited. The response was prompt. Parties who were actually drinking, as well as any who had drink in their homes, spilt the stuff in the streets of Madina saying: We are now abstinents, messenger of God.

Perhaps there is more than history in this account. Drinking and its implications cost the American tax payer forty billion dollars a year as estimated in 1982, with no apparent evidence that the problem is shrinking. It takes faith, belief and an ideology to eradicate the problem as happened in the days of Mohammad. The fallacy of reduced or social drinking has no place in Islam. . . for if you have to close a door you have got really to close it. 'Drink' was explained by the prophet as "anything that can 'confound' the mind", and this then includes drugs as well, and the prophet's clear instructions were: "Whatever intoxicates in large quantities is forbidden even in small amounts."

MENOPAUSE AND OLD AGE

The word menopause literally means cessation of the menstrual func-

tion, and is only a single incident along a broader complex of changes as the woman grows older, referred to as the climacteric, which spans perhaps several years. As normal menstrual function is the expression of cyclic hormonal changes associated with ovulation, it follows that the menopause usually heralds cessation of the reproductive function. The human female is almost unique amongst mammals (except some rare types of elephants and whales) in that her reproductive life does not continue althrough her biological life, and it is not uncommon for women to have more than one third of their lives after the menopause. Perhaps God's wisdom saw that woman's life should not be totally occupied with reproduction.

As a woman misses her period at an age when she expects the menopause, the differential diganosis of pregnancy should be considered. Period delays are a common feature preceding the menopause, and a woman should not consider herself immune to pregnancy just because of these period delays. Both medical science and Islamic jurisprudence require one year of cessation of menstruation to consider that menopause has been established. A definite age limit beyond which menstrual function (and hence reproductive function) cannot continue has eluded both medical workers and muslim jurists. The American and British laws declined to define a cut-off age beyond which pregnancy is impossible, although it is known that fertility dwindles in the late thirties and approaches zero after fifty. And yet I—and no doubt other obstetricians—have looked after a patient who married after the age of fifty and gave birth to her first (and only) child at the age of fifty one. The child was a boy that had congenital pyloric stenosis, had a successful operation and was otherwise normal. Old Islamic writers had their views in this respect based on observation and on medical knowledge of their day, but without direct religious directive. Ibn-Qudama of the Hanbali school in his book 'Al-Mughni': ascribed a saying to Aisha—wife of the prophet, claiming that women don't get pregnant after the age of fifty, while others raised the limit to sixty.

Unexpected occurrance of pregnancy, even after established menopause, should be extremely rare and is theoretically impossible. Reported cases are explained on the basis of bodily changes conducive—though belatedly—of an ovulation; a flash in the pan as professor Jeffcoate calls it. Such reports we did not find in medical literature but are referred to in the Quran. Of prophet Zakariya the Quran says:

> ''There did Zakariya pray to his Lord saying: O my Lord! Grant unto me from You a progeny that is pure: for You are the One to hear prayer.

While he was standing in prayer in the chamber, the angels called unto him: God does give you glad tidings of Yahia, witnessing the truth of a Word from God, and noble, chaste and a prophet of the goodly company of the righteous. He said: O! My Lord! How shall I have a son seeing I am very old and my wife is barren? Thus, was the answer, does God accomplish what He wills." (3:38-40)

The case of Sarrah, wife of Abraham, was perhaps more surprising because of her much older age. Sarrah was infertile and she chose Hagar for Abraham who begot Ismail for him. Abraham took Hagar and Ismail to Makka, later to build the Kaaba together as a house of worship to God (Ismail is the great grandfather of Mohammad). Years later, after she was well past her menopause, Sarrah had her greatest and happiest surprise:

"There came Our messengers to Abraham with glad tidings. They said: Peace. He answered: Peace. . .and hastened to entertain them with a roasted calf. But when he saw their hands went not towards the meal, he felt some mistrust for them and conceived a fear of them. They said: Fear not; we have been sent against the people of Lut.

And his wife was standing (there). And she laughed. . .but We gave her glad tidings of Isaac, and after him of Jacob. She said: Alas for me! Shall I bear a child seeing I am an old woman and my husband here is an old man? That would indeed be an amazing thing.

They said: Do you wonder at God's decree? The grace of God and His blessings be on you, O you people of the house! For He is indeed Worthy of All Praise, Full of All Glory." (11:69-73)

At another site the Quran also refers to Sarrah:

"Has the story reached you of the honoured guests of Abraham? Behold, they entered his presence and said: Peace! He said: Peace. . .unusual people. Then he turned quickly to his household and brought a fat calf, and placed it before them. He said: Will you not eat? (When they did not eat) He conceived a fear of them. They said: Fear not. And they gave him glad tidings of a son endowed with knowledge. But his wife came forward (laughing) aloud: she smote her face and said: a barren old woman! They said: Even so has your Lord spoken, and He is Full of Wisdom and Knowldge."

(41:24-30)

Whatever the explanation of the mechanism underlying the belated pregnancy of the wife of Zakariya and that of Sarrah, the concept of the

miracle is well taken by us muslims, for when God wills something He says: be. . .and it is.

A legislation consequent upon a well established menopause concerns the ruling on the 'Idda'' or waiting period of the menopausal woman who has been widowed or divorced. During the childbearing period of life this would be three menstrual cycles following divorce and four months and ten days following widowhood. For the post-menopausal established in her menopause by absence of menstruation for one year, the waiting period after either events is three months. We have already advocated the possible resort to an ultrasound examination as a confirmatory evidence that there is no pregnancy in the uterus. This would also help for the menopausing woman who gets her period every few months but has not completed one year of amenorrhoea yet.

> ''Such of your women as have passed the age of monthly courses, for them the prescribed period, if you have any doubts, is three months, and (is the same for) those who have no courses.'' (65:4)

Another legislation ensuing upon menopause is some leeway for the postmenopausal woman in the matter of strict observance of the rules of dressing referred to in a previous chapter:

> ''Such elderly women as are past the prospect of marriage, there is no blame on them if they lay aside their (outer) garments provided they make not a wanton display of their beauty: but it is best for them to be modest, and God is One who sees and knows all things.''
> (24:60)

The climacteric is associated in nearly forty per cent of women with a number of symptoms of variable range and severity. Some are indications of the normal ageing process affecting men and women, while others are the result of cessation of the ovaries to produce the female sex hormone, estrogen. The latter comprise the well known ''hot flashes'' due to vasemotor instability and associated with a feeling as if hot water is poured on the face, neck and other parts of the body. Estrogen deprivation also plays a role in depletion of calcium from the bones at a rate of perhaps one per cent every year, causing a hump on the back, shortening of stature due to somewhat compressible vertebrae, and more brittle bones more liable to fracture if traumatised. Psychological stress may also develop in some women and some allowance should be made if they are sometimes sharp or nervous. This is aggravated if the woman aquires a sense of un-

wantedness as the children have grown up, or the "empty nest syndrome" if the children have left the house, or insecurity in marital life as she feels she is ageing and can no more procreate. Considerate treatment is necessary, keep marital love warm if not fiery, and indulgance in useful activities is both opportune and fulfilling.

When the hot flashes are disturbing inspite of explanation and reassurance, estrogen may be given to alleviate them. Irresponsible use of estrogen, however, is not recommended for it is a drug that can cause side effects and is suspected by many of being possibly an endometrial precarcinogen.

We are aware of medical professionals who push it a bit too far and give estrogen (subcutaneous implants) for the purpose of stimulating sexual apetite. This does not seem to be justified, for although there is no age limit for sexual activity, husband and wife should enjoy it at their natural—albeit slower—pace. To artificially kindle the fire, and in one consort only, sounds like the satiate (non-hungry person) artificially throwing out in order to be able to eat and enjoy food again. This focusing on oversensuality is both unnatural and unbecoming.

The ordeal of growing to old age is commoner in women than in men. The primary sex ratio (at conception) is about 130 males to 100 females. Attrition during pregnancy hits males more than females and 106 males are born to every 100 females. At puberty the sexes are about equal in number, but the tertiary sex ratio at death denotes that more men die than women of the same age, and in the various age categories in the old there are more woman widows than men. In communities where strong family ties still exist, it is a highly regarded value to extend tender loving care to an old parent. The case is not so in many societies, and aging has to be endured either in the prison of individual loneliness or of the old peoples' home. In a previous chapter we alluded to the horrible concept of the 'duty to die' when the human 'machine' has outlived its productive span. Although economically sound, this idea if applied will to a large measure dehumanize the human race, and lower its ceiling to the level of financial considerations instead of high values. As people attain higher and higher life expectancy with better health care, the problem of old age is growing, and more resources should be recruited to meet it, not only in terms of dollars but primarily of love, compassion and God awareness.